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**1999**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 23, Issue 11 — March 12, 1999

Pages 2,824 – 3,180

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
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published by  
**Jesse White**  
Secretary of State



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April	17, 1998 - Issue 16: Through	March	31, 1998
July	17, 1998 - Issue 29: Through	June	30, 1998
October	16, 1998 - Issue 42: Through	September	30, 1998
January	15, 1999 - Issue 3: Through	December	31, 1998 (Annual)



## INTRODUCTION

The **Illinois Register** is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the **Illinois Administrative Code** (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill Adm. Code 1
- 3) Section Number: Proposed Action:  
1.2020 Amend
- 4) Statutory Authority: 30 ILCS 500
- 5) A Complete Description of the Subjects and Issues Involved: Raises the small purchase threshold from \$10,000 to \$25,000 per year.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1.2020	Amend	23 Ill. Reg. 2812

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of this publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
217/782-9669

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendments begins on the next page.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

## SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 1

## STANDARD PROCUREMENT

## SUBPART A: GENERAL

Section	Title
1.01	Policy
1.05	Purpose and Implementation of This Part
1.08	Application
1.10	Definition of Terms Used in This Part
1.15	Property Rights
1.25	Constitutional Officers, and Legislative and Judicial Branches
1.30	

## SUBPART B: PROCUREMENT RULES

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## SUBPART C: PROCUREMENT AUTHORITY

Section	
1.1005	Exercise of Procurement Authority
1.1010	Appointment of State Purchasing Officer
1.1030	Associate Procurement Officers
1.1040	Central Procurement Authority of the CPO
1.1050	Procurement Authority of the SPO; Limitations
1.1060	Delegation
1.1070	Toll Highway Authority
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1.1590	Retention of Bulletin Information

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## General Provisions

## Competitive Sealed Bidding

## Multi-Step Sealed Bidding

## Competitive Sealed Proposals

## Small Purchases

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## Competitive Selection Procedures for Professional and Artistic Services

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## SUBPART H: SPECIFICATIONS AND SAMPLES

## Specifications and Samples

## SUBPART I: CONTRACT TYPE

## Types of Contracts

## SUBPART J: DURATION OF CONTRACTS

## Duration of Contracts - General

## SUBPART K: CONTRACT MATTERS

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## Equal Employment Opportunity; Affirmative Action



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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## SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED PROFESSIONAL SERVICES

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## SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

## Section

1.4005 Real Property Leases and Capital Improvement Leases

## SUBPART O: PREFERENCES

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1.4510 Resident Bidder Preference

1.4530 Correctional Industries

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500] (see P.A. 90-572).

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

## Section 1.2020 Small Purchases

## a) Application

1) Procurements of \$25,000 \$10,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

3) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.

b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).

d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.

f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

g) Agencies shall establish policies to control the use of this small purchase provision and shall make those policies available to the CPO upon request.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Calculation of Excess Cost Under Section 18-3 of the School Code

2) Code Citation: 23 Ill. Adm. Code 140

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
140.10	New Section
140.20	New Section
140.30	New Section
140.40	New Section

4) Statutory Authority: 105 ILCS 5/18-3 (see P.A. 90-644, effective July 24, 1998)

5) A Complete Description of the Subjects and Issues Involved: This new Part responds to P.A. 90-644, which took effect on July 24, 1998. That Act changed the rate of reimbursement available to school districts that provide educational services to groups of students who reside in settings such as orphanages and detention centers. Section 18-3 of the School Code, as amended, now allows districts to claim reimbursement for these programs at 1.2 times the district's per capita tuition charge. It also permits them to claim reimbursement for costs they incur that are in excess of that amount. The purposes of Part 140 are:

- to identify the information districts must submit to substantiate their claims; and
- to set forth the basis upon which reimbursement will be calculated.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: Claims for reimbursement must be completed as required by the rules.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Rule(s) begins on the next page:



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER c: FINANCE

## PART 140

## CALCULATION OF EXCESS COST UNDER SECTION 18-3 OF THE SCHOOL CODE

Section	Purpose and Applicability
140.10	Allowable Costs
140.20	Requirements for Submission of Claims
140.30	Calculation of Reimbursement
140.40	

**AUTHORITY:** Implementing and authorized by Section 18-3 of the School Code [105 ILCS 5/18-3] (see P.A. 90-644, effective July 24, 1998).

**SOURCE:** Adopted at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 140.10 Purpose and Applicability**

Section 18-3 of the School Code [105 ILCS 5/18-3] (see P.A. 90-644, effective July 24, 1998) provides for the reimbursement to school districts of the cost of the regular program provided to the students described in that Section. It also provides for the reimbursement of excess costs incurred by a district that provides to such students services beyond those encompassed by the district's regular program. This Part establishes the requirements applicable to claims for reimbursement of such excess costs.

**Section 140.20 Allowable Costs**

- a) The reimbursement that is the subject of this Part shall be available only with respect to individual pupils who are:
  - 1) enrolled full-time in a claiming district's regular education program; and
  - 2) served at a cost that exceeds 120 percent of the district's per capita tuition charge calculated as specified in Section 18-3 of the School Code.
- b) Claims may be submitted pursuant to this Part only with respect to costs incurred in the provision of equipment, services, or materials that are not part of the regular program provided to students who are served pursuant to Section 18-3 of the School Code.
  - 1) Special equipment used for only one pupil may be claimed only if it will move with the student if the student changes districts or programs.
  - 2) Specific, unique services provided for an individual pupil may be claimed only if they are not part of the normal configuration of

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

services and if their costs are not already included in the cost of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code.

**Section 140.30 Requirements for Submission of Claims**

- a) When a district files a claim for excess costs relative to pupils who are served in a program that is provided solely on the premises of the facility where they reside, the claim must include:
  - 1) a description of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code;
  - 2) a report of the expenditures incurred by the district for the regular program described pursuant to subsection (a)(1), on forms supplied by the State Superintendent of Education;
  - 3) the number of pupils in average daily attendance in the regular program described in subsection (a)(1) during the term to which the claim applies;
  - 4) a record for each student, indicating:
    - A) the pupil's name and date of birth,
    - B) the services provided to the pupil that are not included in the regular program,
    - C) the amount, intensity, and/or frequency of the services,
    - D) the total hours of service provision, and
    - E) the total cost of the services.
- b) When a district files a claim for excess costs relative to pupils who are served in the district's regular attendance centers, the claim must include:
  - 1) a description of the services provided that exceed those otherwise provided within the attendance center in question, e.g., services not provided to the other students in that attendance center or services provided for more time than to any other students within that attendance center; and
  - 2) a record for each student containing the information specified in subsection (a)(4) of this Section.
- c) No later than ten days after receipt of a request for additional information, a district shall submit such information as the State Superintendent of Education may require for the purposes of clarifying the basis for its claim.

**Section 140.40 Calculation of Reimbursement**

- a) The cost per student in average daily attendance ("ADA") in the regular program provided to students pursuant to Section 18-3 of the School Code will be calculated by dividing the total cost of that program as reported under Section 140.30(a)(2) of this Part by the number of students in average daily attendance in the program. The cost per student in ADA will be compared to the amount that represents 120 percent of the district's per capita tuition charge.
- b)



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- 1) If the cost per student in ADA is equal to or greater than 120 percent of the district's per capita tuition charge, the State Superintendent will reimburse the district for 100 percent of the individual costs claimed pursuant to Section 140.30 of this Part.
- 2) If the cost per student in ADA is less than 120 percent of the district's per capita tuition charge, a calculation will be performed to offset the amount the district is allowed to claim for the regular program pursuant to Section 18-3 of the School Code. The excess cost amount claimed for serving a particular student will be added to the cost per student in ADA. From the sum of those two amounts, the amount that represents 120 percent of the per capita charge will be subtracted. The State Superintendent will reimburse the district for 100 percent of the remainder. In other words:

Cost per student in ADA in the program  
 + Excess cost for Student X  
 = Subtotal

Subtotal from above  
 - 120% of district's per capita charge  
 = Reimbursable amount for Student X

- c) The State Superintendent may decline to reimburse costs that are not adequately documented or are inappropriate to a particular student's placement.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) Section Numbers:

<u>Proposed Action:</u>
575.300 Amendment
575.400 Amendment
575.500 Amendment
575.600 Amendment
575.700 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 90-548, effective January 1, 1998, created a revolving loan fund for school technology purposes. The program started with the 1998-1999 school year. After rules for the program were adopted in November, the need to change several provisions became apparent; these changes are addressed below:
  - \* Section 575.600(a) currently stipulates that interest will be "compounded" quarterly. That term is used incorrectly in this context and will be changed to "computed."
  - \* Language is being added to Section 575.300 to allow for the State Board of Education to calculate at the beginning of the loan cycle, and to inform each district, of the maximum loan amount to which a district is entitled.
  - \* Other technical nonsubstantive changes are being made in Sections 575.400(c), 575.500(c), 575.600(b)(3), and 575.700(d).
- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
 Agency Rules Coordinator  
 Illinois State Board of Education  
 100 North First Street, S-284



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Springfield, Illinois 62777-0001  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Only school districts are allowed to apply for loans under this program.

B) Reporting, bookkeeping or other procedures required for compliance: If approved for a loan, school districts must agree to repay the loaned amount, with interest, within three years of issue date.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The decision to move forward with these amendments was made following publication of the January 1999 agenda.

The full text of the Proposed Amendments begins on the next page:

## STATE BOARD OF EDUCATION

## \* NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER 0: MISCELLANEOUS

## PART 575

## SCHOOL TECHNOLOGY PROGRAM

## SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section	Purpose
575.10	Eligible Expenditures
575.20	Application Procedure and Content
575.30	Matching Requirements
575.40	Proposal Review and Approval
575.50	Terms of the Grant
575.60	

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section	Purpose
575.100	Use of Funds
575.200	Maximum Amount of Loan
575.300	Application Procedures
575.400	Review of Application and Notification of Loan Award
575.500	Repayment Procedures
575.600	Terms and Conditions of Loan Agreement
575.700	

**AUTHORITY:** Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

**SOURCE:** Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

## Section 575.300 Maximum Amount of Loan

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels as reflected in the Fall Enrollment and Housing Report for the immediately preceding year. A school district may request a loan amount that does not exceed \$150 per pupil in the eligible grade levels plus a base amount of \$25,000; however, no single loan in a given fiscal year shall exceed \$6,000,000. The State Board of Education



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shall annually notify school districts of the maximum loan amount to which they are entitled.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.400 Application Procedures**

- a) The State Board of Education shall distribute application forms to all eligible school districts, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education any time between July 1 and March 1 of the fiscal year in which loans will be made.
- b) Each application for a loan shall include the following information:
  - 1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;
  - 2) The amount of the loan requested, which shall not exceed the amount calculated pursuant to Section 575.300 of this Part;
  - 3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the district's board of education authorizing submission of the loan application; and
  - 4) Such assurances and certifications as the State Board of Education may require, to include at least the following:
    - A) that the loan proceeds shall be used in the grade levels specified on the application; and
    - B) that the district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part).
- c) Each loan application shall bear an original signature of the district superintendent and shall be sent to the State Board of Education as specified on the application form within 30 calendar days following the local board of education's approval. Applications received by the division specified on the form after March 1 ~~addressed other than as specified on the application form~~ shall not be processed.
- d) School districts are limited to one approved loan per fiscal year.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.500 Review of Application and Notification of Loan Award**

- a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 15 calendar days following receipt of the application. Applications will not be

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processed until all requested information is received.

- b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section, as long as funds appropriated for a given fiscal year remain available.

- 1) Loan award determinations shall be made on September 15, December 15 and March 15 of each fiscal year.
- 2) Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the lowest equalized assessed valuation per pupil by type of district shall be funded first.
  - A) Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.
  - B) The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests for each district type to the total amount of all pending loan requests.
  - C) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.
- c) Notification of a loan award shall be made no later than 15 calendar days following the award determination dates established in subsection (b)(1) of this Section. Applications not approved for funding ~~funded~~ on or before March 15 of the fiscal year in which the application was made shall expire.
- d) Applications received after the March 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.
- e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 575.600 Repayment Procedures**

- a) Loans shall be repaid within three years (Section 2-3.117a of the School Code).

a) The rate of interest shall be stipulated on the loan application and shall not be greater than 50% of the rate for the most recent date shown in the 20 C.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in

## STATE BOARD OF EDUCATION

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*New York, New York* (Section 2-3.117(a) of the School Code). Interest shall be computed compounded quarterly.

b)2) Payments on the loan (principal and interest) shall be made by check on a quarterly basis in 12 equal installments.

1)A) Loan payments shall be due on the last day of each quarter (i.e., December 31, March 31, June 30 and September 30), with the first payment under each loan due on the second due date following receipt of the loan.

2)B) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal Services Division, Illinois State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001.

3)C) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due.

c)3) A school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 575.700 Terms and Conditions of Loan Agreement

a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. Loan proceeds shall be obligated no later than six months following receipt of the loan.

b) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110).

c) Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].

d) In the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the district's next payment of general state aid, and the district shall be ineligible for additional loans until good standing has been restored.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Certification

2) Code Citation: 23 Ill. Adm. Code 25

3) Section Number: Adopted Action:  
 25.11 New Section  
 25.15 New Section  
 25.99 Amendment  
 25.311 Amendment  
 25.313 New Section  
 25.313 Amendment  
 25.720 Amendment  
 25.Appendix B New Section  
 25.Appendix C New Section  
 25.Appendix D New Section

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rules: February 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? The rules do not include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Has JCAR issued a Statement of Objections to these rules? No

10) Difference(s) between proposal and final version:

Language was inserted into Section 25.11(b) to state, "For out-of-state candidates, the "applicable examinations" for a standard certificate shall include not only the relevant standard certification examination but also the examination required for the comparable initial certificate."

The phrase, "through June 30, 2003," was deleted from Section 25.11(c). Subsections (c)(1) and (c)(2) were also deleted.

Section 25.11(d) was revised to state, "Beginning July 1, 2003, this examination shall be designed to demonstrate..."

Section 25.11(d)(2) was revised to state, "A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examination required at that



## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

time and meeting all other requirements then in force for that certificate."

Section 25.11(d)(3) was amplified by the insertion of an example: "For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate."

A new subsection 25.11(d)(4) was added to provide for the expiration of initial teaching certificates.

An entirely new subsection (e) was inserted into Section 25.11, including subsections (e)(1) through (e)(10). The remaining subsections were relabeled accordingly, and Section 25.11(b) was revised to refer to subsections (d) and (e).

In the subsection relabeled as 25.11(f), a specific cross-reference to several other Sections was inserted.

In the subsection relabeled as 25.11(g), a definition of "four years of teaching experience" was inserted.

The subsection relabeled as 25.11(h) was revised to exclude experience gained while teaching in a home school.

Section 25.15(a)(5)(B) was revised to state, "The candidate is a reflective practitioner who knows how to evaluate choices and to select among a variety of strategies...."

Section 25.99(a)(5)(C) was revised to refer to the removal of deficiencies within one year after the date of the deficiency statement.

Proposed subsection 25.99(b) was deleted from the rulemaking (and the formatting changes in subsection (a) that thus became unnecessary were reversed).

Subsection 25.313(b)(2) was slightly revised and split to create a new subsection (b)(3) from part of its text. (The now-unnecessary word "and" was also deleted from the end of subsection (b)(1).)

Section 25.313(c) was expanded by inserting after the first full sentence a reference to consultation by the State Board of Education with the State Teacher Certification Board and the advisory panel established pursuant to Section 21-5d of the School Code.

Section 25.313(d)(2) was revised by inserting the phrase "in management" after "master's degrees".

The last sentence in Section 25.313(d)(4) was reworded to refer to

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

"district-level administrators" rather than "staff members of the district".

The explanatory provision at the end of Appendix C was amplified through the insertion of an example.

Appendix D was revised to give holders of national certification in Early Adolescence from the National Board for Professional Teaching Standards a choice between the Illinois elementary master and secondary master certificates.

11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

12) Will this amendment replace an emergency amendment currently in effect? No

13) Are there any amendments pending on this Part? Yes. Another set of proposed amendments was published on February 16, 1999, at 23 Ill. Reg. 2440. The two rulemakings do not involve any of the same Sections.

14) Summary and Purpose of Amendments:

These amendments deal with several components of the certification system, including:

- . the exchange of current certificates for the new types of certificates created by P.A. 90-548;
- . core standards for teachers and administrators; and
- . alternative routes to administrative certification.

Exchange of Certificates: New Section 25.11 shows how several groups of individuals will be affected by the transition to the new system of certificates. It discusses eligibility for initial, standard, and master certificates for currently certificated Illinois teachers, candidates who will graduate from approved programs in the near future, and out-of-state candidates wishing to receive Illinois certificates.

Core Standards: As part of the transition to a standards-based system of teacher preparation, it is critical to give advance notification to all affected parties of the standards to which candidates for certification will be held. This is the function of new Section 25.15. By publishing these standards, the Board is formally notifying teacher preparation institutions of the need to reexamine their programs and to begin preparing their students to meet these standards several years from now. The standards outline the knowledge and skills that new teachers and

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

administrators will be expected to possess, rather than presenting an inventory of coursework they will need to complete.

Alternative Route to Administrative Certification: New Section 25.313 implements Section 21-5d of the School Code, which provides for the establishment of alternative programs leading to administrative certification. Each program must consist of a course of study approved by the State Board, one-year's full-time assignment to an administrative position (other than that of principal or assistant principal), and a comprehensive assessment of the candidate's performance, culminating in a favorable recommendation by the institution that is responsible for the course of study. This rule outlines the required content of each proposal for an alternative program; makes these alternative programs subject to the same Fifth-Year Review as institutions' regularly approved programs undergo; and establishes reporting requirements that will help track the new programs' success.

- 15) Information and questions regarding these adopted amendments shall be directed to:

Rob Sampson  
Division of Professional Certification  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
Telephone: (217) 782-2805

The full text of the Adopted Amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER b: PERSONNEL

PART 25  
CERTIFICATION

## SUBPART A: DEFINITIONS

Section  
25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

Section  
25.11 New Certificates (July 1, 1999)  
25.15 Standards for Certain Certificates  
25.20 State Elementary School Certificate  
25.30 State High School Certificate  
25.40 State Special Certificate  
25.43 Standards for Certification of Special Education Teachers  
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired  
25.50 General Certificate  
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects  
25.65 Alternative Certification  
25.70 State Provisional Vocational Certificate  
25.75 Part-time Provisional Certificates  
25.80 Early Childhood Certificates  
25.90 Transitional Bilingual Certificate and Examination  
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate  
25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE  
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section  
25.110 System of Approval: Levels of Approval  
25.120 Standards and Criteria for Institutional Recognition and Program Approval  
25.130 Procedures for Initial Recognition as a Teacher Education Institution  
25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia  
25.150 The Periodic Review Process



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## SUBPART D: SCHOOL SERVICE PERSONNEL

Section  
 25.210 Requirements for the Certification of School Social Workers  
 25.220 Requirements for the Certification of Guidance Personnel  
 25.230 Requirements for the Certification of School Psychologists  
 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
 ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section  
 25.310 Definitions (Repealed)  
 25.311 Administrative Certificate  
 25.313 Alternative Route to Administrative Certification  
 25.315 Renewal of Administrative Certificate  
 25.320 Application for Approval of Program (Repealed)  
 25.322 General Supervisory Endorsement  
 25.330 Standards and Guide for Approved Programs (Repealed)  
 25.333 General Administrative Endorsement  
 25.344 Chief School Business Official Endorsement  
 25.355 Superintendent

## SUBPART F: GENERAL PROVISIONS

Section  
 25.405 Military Service  
 25.410 Revoked Certificates  
 25.415 Credit in Junior College  
 25.420 Psychology Accepted as Professional Education  
 25.425 Individuals Prepared in Out-of-State Institutions  
 25.427 Three-Year Limitation  
 25.430 Institutional Approval  
 25.435 School Service Personnel Certificate--Waiver of Evaluations  
 25.437 Equivalency of General Education Requirements  
 25.440 Master of Arts NCATE  
 25.442 Illinois Teacher Corps Programs  
 25.445 College Credit for High School Mathematics and Language Courses  
 25.450 Lapsed Certificates  
 25.455 Substitute Certificates  
 25.460 Provisional Special and Provisional High School Certificates  
 25.465 Credit  
 25.470 Meaning of Experience on Administrative Certificates  
 25.475 Certificates and Permits No Longer Issued  
 25.480 Credit for Certification Purposes  
 25.485 Provisional Recognition of Institutions  
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime  
 25.493 Part-Time Teaching Interns

## STATE BOARD OF EDUCATION

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25.495 Approval of Out-of-State Institutions and Programs  
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND  
 OTHER NONCERTIFIED PERSONNEL

Section  
 25.510 Teacher Aides  
 25.520 Other Noncertificated Personnel  
 25.530 Specialized Instruction by Noncertificated Personnel  
 25.540 Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

Section  
 25.610 Definitions  
 25.620 Student Teaching  
 25.630 Pay for Student Teaching

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section  
 25.705 Purpose - Severability  
 25.710 Definitions  
 25.715 Test Validation  
 25.717 Test Equivalence  
 25.720 Applicability of Testing Requirement  
 25.725 Applicability of Scores  
 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education  
 25.730 Registration  
 25.732 Late Registration  
 25.733 Emergency Registration  
 25.735 Frequency and Location of Examination  
 25.740 Accommodation of Persons with Special Needs  
 25.745 Special Test Dates  
 25.750 Conditions of Testing  
 25.755 Voiding of Scores  
 25.760 Passing Score  
 25.765 Individual Test Score Reports  
 25.770 Rescoring  
 25.775 Institution Test Score Reports  
 25.780 Fees

## APPENDIX A Statistical Test Equating - Certification Testing System

APPENDIX B Certificates Available Effective July 1, 1999

APPENDIX C Exchange of Certificates

APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section

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2-3-6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3-6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17049, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. ~~2843~~ **2843** ~~3~~ **FEB 26 1999**.

## SUBPART B: CERTIFICATES

**Section 25.11 New Certificates (July 1, 1999)**

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective July 1, 1999. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to July 1, 1999, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to July 1, 1999, shall continue to be acceptable for those assignments.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsections (d) and (e) of this Section in terms of their subsequent receipt of standard teaching certificates. For out-of-state candidates, the "applicable examinations" for a standard certificate shall include not only the

## STATE BOARD OF EDUCATION

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relevant standard certification examination but also the examination required for the comparable initial certificate. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States.

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years' teaching experience on a valid certificate, including the time credited outside Illinois.

3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.

c) A candidate completing an approved Illinois teacher preparation program on or after July 1, 1999, may qualify for an initial teaching certificate by passing the test of basic skills and the appropriate test(s) of subject matter knowledge required pursuant to Section 21-1a of the School Code [105 ILCS 5/21-1a] and Subpart I of this Part.

d) An individual who has completed four years of teaching on an initial certificate may qualify for a comparable standard certificate by passing the relevant standard teaching certificate examination required by Section 21-2 of the School Code. Beginning July 1, 2003, this examination shall be designed to demonstrate whether candidates' induction to the profession of teaching has enhanced their performance with respect to the standards set forth in Section 25.15(a) of this Part, advanced their command of appropriate teaching practices and strategies, and contributed to the professional judgment required for designing educational experiences to meet the diverse needs of students.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examination required at that time and meeting all other requirements then in force for that certificate.

3) A candidate who has taught for four years on an initial certificate but fails the standard teaching certificate examination may retake the examination but may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate.



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4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30, except that, through June 30, 2003, individuals who are credited with accumulated teaching time on a certificate from another state may use their Illinois initial teaching certificates for up to four years of teaching, in order to enable them to meet the requirements of subsection (e) of this Section.

e) Through June 30, 2003, the standard teaching examination shall consist of an evaluation of each individual's professional development based upon the factors enumerated in this subsection (e). A candidate shall be considered to have passed the standard teaching examination if he or she accumulates 90 points by completing items from the following list, documented as indicated for the respective items.

1) Completion of all required activities in pursuit of certification by National Board for Professional Teaching Standards (NBPTS) (90 points; document issued by NBPTS).

2) Possession of master's degree or doctorate (90 points; official transcript showing the degree).

3) Receipt of an additional endorsement or certificate, including completion of all required coursework (90 points; endorsed certificate).

4) Additional years of teaching experience (beyond four) in a school other than a home school (25 points for every year of experience, up to a maximum of 75 points; letter signed by chief administrator delineating length of employment and equivalence to full time).

5) Three semester hours of college coursework (beyond completion of the bachelor's degree) (25 points, with 25 additional points if related to a priority area identified by the State Board of Education; official transcript showing passing grade).

6) Supervision of student teachers or provision of mentoring services as part of a formal program or arrangement (20 points per semester; signed statement from chief administrator, National Board for Professional Teaching Standards, or State Superintendent of Education).

7) Participation in a formal, structured induction or orientation program (20 points per semester; signed statement by chief administrator).

8) Service on school or district improvement team, curriculum development committee, or other similar endeavor intended to improve instruction or students' achievement (40 points per semester; signed statement by chief administrator).

9) Sponsorship of a semester-long student activity or organization related to the field of teaching assignment (20 points per semester; signed statement by chief administrator).

10) Participation in a continuing professional development activity sponsored by an entity such as a school district, regional office

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of education, intermediate service center, or professional educational organization, or by the State Board of Education, that is intended to improve instruction or students' achievement (15 points per activity; signed statement from sponsor affirming participation).

f) A holder of a standard Illinois teaching certificate who has at least four years of teaching experience on a valid certificate may receive an additional standard certificate by passing the examinations required for both the comparable initial certificate and the standard teaching certificate and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45 and/or 25.80 of this Part, as applicable).

g) "Four years of teaching experience" means the equivalent of four years' full-time employment, i.e., four times 180 days of instruction consisting of no fewer than five clock-hours apiece, which may be accumulated in increments of less than full time.

h) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate's teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

i) For purposes of this Section, "valid certificate" means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

j) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Added at 23 Ill. Reg. 2843, effective FEB 26 1999)

## Section 25.15 Standards for Certain Certificates

a) Effective July 1, 2003, each candidate who is seeking an initial or standard early childhood, elementary, secondary, or special teaching certificate shall undergo an assessment designed to demonstrate whether he or she meets the standards set forth in this subsection (a). Candidates for standard certificates will be expected to demonstrate advanced levels of competence with respect to these standards.

## 1) Content Knowledge

A) The candidate understands the central concepts, methods of inquiry, and structures of the specific disciplines for which certification is sought.

B) The candidate knows how to create learning experiences that make the content meaningful to all students, including those

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with disabilities and those for whom English is not the primary language.

2) Human Development and Learning

A) The candidate understands how individuals grow, develop, and learn.

B) The candidate knows how to provide learning opportunities that support the intellectual, social, and personal development of all students, including how to use cultural diversity and individual students' experiences to enrich instruction.

C) The candidate understands how students may differ in their approaches to learning, including differences based upon culture or gender.

D) The candidate understands individual and group motivation and behavior.

3) Instructional Strategies

A) The candidate knows how to conduct instructional planning.

B) The candidate knows how to design instruction based upon knowledge of the discipline, students, the community, and curricular goals.

C) The candidate knows how to create instructional opportunities that are adapted to diverse learners, including those with disabilities and those for whom English is not the primary language.

D) The candidate knows how to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

E) The candidate knows how to use a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills.

F) The candidate knows how to use written, verbal, nonverbal, and visual communication techniques effectively to support active inquiry, collaboration, and supportive interaction in the classroom.

4) Assessment

A) The candidate understands formal and informal assessment strategies.

B) The candidate knows how to use formal and informal assessment strategies to support the students' continuous educational development.

5) Professional Knowledge

A) The candidate knows how to develop and maintain collaborative relationships with colleagues, parents/guardians, and the community to support students' learning and well-being.

B) The candidate is a reflective practitioner who knows how to evaluate choices and to select among a variety of strategies in responding to the needs of students, school staff,

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parents, and other members of the community.

C) The candidate understands the legal and operational aspects of education.

D) The candidate maintains professional standards of conduct.

E) The candidate knows how to provide leadership to improve students' learning and well-being.

b) Effective July 1, 2003, each candidate who is seeking an administrative certificate shall undergo an assessment designed to demonstrate whether he or she meets the standards set forth in this subsection (b) for that certificate and the specific endorsement sought. Receipt of any subsequent endorsement on the administrative certificate shall be contingent upon meeting the applicable requirements set forth in Section 25.333, 25.344, or 25.355 of this Part.

1) Leadership

A) The candidate knows how to articulate a school's mission and goals and to convey a consistent message about the importance of learning.

B) The candidate knows about a variety of strategies for building support within the school community.

2) School Culture and Instructional Program

A) The candidate knows how to create and maintain a school culture conducive to students' learning and the professional growth of staff.

B) The candidate knows how to implement and manage an instructional program conducive to students' learning.

C) The candidate understands the factors that affect a school's culture and climate and knows how to address a variety of specific problems.

3) Management

A) The candidate knows about a variety of organizational management strategies that promote a safe, efficient, and effective learning environment.

B) The candidate knows how to manage schools' resources ethically, legally, efficiently, and effectively.

4) Collaboration with Families and Communities

A) The candidate knows how to develop and maintain collaborative relationships with colleagues, parents/guardians, and other members of the community, such as representatives of businesses and religious, political, and service-oriented organizations, for the purpose of supporting students' learning and well-being.

B) The candidate knows how to respond effectively to diverse community interests and needs.

C) The candidate knows how to mobilize community resources to promote the success of all students.

5) Professional Ethics

A) The candidate has an understanding of integrity and fairness



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in the educational context.

B) The candidate knows and understands professional standards of conduct.

6) The Political, Social, Economic, Legal and Cultural Context of Schooling

A) The candidate understands the political, social, economic, legal, and cultural context in which schools operate.

B) The candidate knows how to respond to and influence the schools' political, social, economic, legal, and cultural context.

(Source: Added at 23 Ill. Reg. 2843, effective FEB 26 1994)

## Section 25.99 Endorsing Teaching Certificates

Elementary and high school teaching certificates will be endorsed with the subject areas a person is qualified to teach upon demonstration that the coursework presented for examination meets the requirements set forth in 23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition and Supervision).

a) Coursework presented for endorsement shall be counted toward a specific subject qualification if the course content meets the standards established for the subject as listed in Subpart G of 23 Ill. Adm. Code 1.

b) Coursework presented for endorsement will be counted in each subject area to which it applies.

c) Applicants for certificates presenting a 32 semester hour major field of specialization, for which qualifications are not specified in Subpart G of 23 Ill. Adm. Code 1, shall have the certificate endorsed with that major field of specialization.

d) Applicants for certification who have completed approved programs or who qualify for certification by transcript evaluation shall be evaluated for all endorsement areas and issued a certificate with all endorsements for which they qualify in accordance with subsections (a) and (b) of this Section.

e) Individuals seeking to endorse a previously issued certificate(s) or obtain additional endorsements may apply for such endorsement(s), on forms provided by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].

1) Applications must be submitted through the office of a Regional Superintendent of Schools and accompanied by a \$30 nonrefundable fee made payable to the State Teacher Certification Board.

2) Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.

3) Deficiency statements shall be issued when an applicant does not qualify for the requested endorsement(s). Applicants may remove

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their deficiencies and qualify within one year after the date of the deficiency statement. ~~the same fiscal year--1997--1998--between July-1-and-June--30--of--the--year--of--application.~~ Subsequent requests for the same endorsement(s) shall be accompanied with another fee.

(Source: Amended at 23 Ill. Reg. 2843, effective FEB 26 1994)

## SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY POSITIONS

## Section 25.311 Administrative Certificate

Except as provided in Section 21-5d of the School Code [105 ILCS 5/21-5d], the Administrative certificate requires:

- a) Master's degree awarded by a recognized teacher education institution; and
- b) completion of a program approved for one of the endorsements specified in Section 25.322 through 25.355 of this Part at a recognized Illinois teacher education institution or satisfaction of the conditions specified in Section 25.425 of this Part.

(Source: Amended at 23 Ill. Reg. 2843, effective FEB 26 1994)

## Section 25.313 Alternative Route to Administrative Certification

a) Section 21-5d of the School Code [105 ILCS 5/21-5d] provides for the issuance of provisional alternative administrative certificates to eligible candidates, as defined in that Section, who successfully complete a course of study approved by the State Board of Education in consultation with the State Teacher Certification Board.

b) Section 21-5d of the School Code further provides for the issuance of standard administrative certificates to candidates who, after completing the course of study referred to in subsection (a) of this Section, complete an alternative program that also includes:

- 1) one year's full-time administrative work;
- 2) a comprehensive assessment of the candidate's performance; and
- 3) a favorable recommendation by the institution of higher education responsible for the course of study.

c) Proposals for the establishment of programs meeting the specifications of subsections (a) and (b) of this Section shall be approved if they comply with Section 21-5d of the School Code and this Section. In making this determination, the State Board of Education shall consult with the State Teacher Certification Board and the advisory panel established pursuant to Section 21-5d of the School Code. Proposals shall be addressed as follows:

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State Board of Education  
Alternative Certification Program  
100 North First Street  
Springfield, Illinois 62777-0001

## d) Proposal Requirements

- 1) Each proposal shall describe the roles and responsibilities of the participating university and the school districts in which candidates will be assigned for the year of practice as full-time administrators.
- 2) Each proposal shall indicate how candidates who do not possess master's degrees in management shall be determined eligible for the program based on life experience equivalent to a master's degree. In making this determination, institutions shall take into consideration candidates' length and breadth of experience in such areas as:
  - A) personnel management, supervision, and evaluation;
  - B) long-range planning and evaluation of program effectiveness;
  - C) community and public relations;
  - D) organizational development and improvement;
  - E) finance and budgeting; and
  - F) work involving public schools and other educational units.
- 3) Each proposal shall describe the proposed course of study.
  - A) Each proposal shall describe how individual candidates' education and experience will be used in determining the portions of the course of study he or she will be required to complete.
  - B) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in the participating institution's program approved pursuant to Section 25.120 of this Part with regard to:
    - i) educational management;
    - ii) governance and organization; and
    - iii) planning.
  - C) Each program shall include a preservice assessment of each candidate's performance to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long administrative assignment. Each proposal shall state the criteria for the institution's determination of candidates' readiness.
  - 4) Each proposal shall describe the proposed arrangements for candidates' assignment to administrative positions under this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each such agreement shall address the nature and

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intensity of the support to be provided to candidates by experienced district-level administrators, university staff, and/or other professionals with relevant experience, including at least:

- A) the qualifications and experience of such individuals;
- B) the estimated amount of time these individuals will devote to advising and assisting candidates; and
- C) the specific roles of the assisting individuals.
- 5) Each proposal shall describe the proposed method of assessing candidates' performance for the year referred to in this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each such agreement shall include:
  - A) the roles of all parties who will participate in the evaluation of candidates; and
  - B) assessment methods capable of demonstrating whether a candidate has acquired knowledge and skills equivalent to those required of candidates pursuing the respective institution's program approved pursuant to Section 25.120 of this Part.
  - 6) Each proposal shall delineate the criteria by which candidates will be recommended for certification by the participating institution of higher education.
  - e) Each alternative program established pursuant to this Section shall be subject to the Fifth-Year Review described in Section 25.150 of this Part.
  - f) The sponsoring institutions of programs established pursuant to this Section shall provide annual reports to the State Teacher Certification Board that describe the programs offered, the number and categories of the candidates who apply to each program, the completion rate for each program, and data regarding placement of individuals who complete each program.

(Source: Added at 23 Ill. Reg. 0643 = 7 effective  
1/18/2019)

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

## Section 25.720 Applicability of Testing Requirement

- a) Beginning July 1, 1999, July-17-1998, each person seeking a school service personnel or administrative certificate or an initial early childhood, elementary, secondary or special--high--school--school service--personnel--or--administrative certificate must pass the Illinois Certification Testing System's test of basic skills and a test of subject matter knowledge.
- b) The required test of subject matter knowledge is that test which



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corresponds to the individual's major field of study in a teacher education program in the State of Illinois approved pursuant to Subpart C of this Part.

c) Persons who are graduates of colleges or universities outside the State of Illinois and who are seeking an Illinois certificate must take the test of basic skills and the subject matter knowledge test which most corresponds to the Illinois field for which application for certification is made. For example, someone seeking to teach whose major field of study is urban studies would, in addition to the basic skills test, also take the subject matter knowledge test in the social sciences.

d) It is the individual's responsibility to take the appropriate subject matter test(s). Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

(Source: Amended at 23 Ill. Reg. 2843, effective

11/26/1999)

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Section 25. APPENDIX B Certificates Available Effective July 1, 1999

Early Childhood

Provisional Alternative Early Childhood Certificate  
(For Cities of 500,000 or More)  
Alternative Early Childhood Certificate  
(For Cities of 500,000 or More)  
Provisional Alternative Early Childhood Certificate  
(Statewide)  
Provisional Early Childhood Certificate  
Initial Early Childhood Certificate  
Standard Early Childhood Certificate  
Master Early Childhood Certificate

Elementary

Provisional Alternative Elementary Certificate  
(For Cities of 500,000 or More)  
Alternative Elementary Certificate  
(For Cities of 500,000 or More)  
Provisional Alternative Elementary Certificate  
(Statewide)  
Provisional Elementary Certificate  
Initial Elementary Certificate  
Standard Elementary Certificate  
Master Elementary Certificate

Secondary

Provisional Alternative Secondary Certificate  
(For Cities of 500,000 or More)  
Alternative Secondary Certificate  
(For Cities of 500,000 or More)  
Provisional Alternative Secondary Certificate  
(Statewide)  
Initial Math-Science Certificate 9-12  
Provisional Secondary Certificate  
Initial Secondary Certificate  
Standard Secondary Certificate  
Master Secondary Certificate

Special

Provisional Alternative Special Certificate  
(For Cities of 500,000 or More)  
Alternative Special Certificate  
(For Cities of 500,000 or More)

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Provisional Alternative Special Certificate

(Statewide)

Provisional Special CertificateInitial Special K-12 CertificateStandard Special K-12 CertificateMaster Special K-12 CertificateSchool Service PersonnelProvisional School Service Personnel CertificateSchool Service Personnel CertificateAdministrativeProvisional Alternative Administrative CertificateAdministrative Certificate(Excluding Acting as Principal/Assistant Principal)Provisional Administrative CertificateAdministrative CertificateOtherSubstitute CertificateGeneral CertificatePart-Time Provisional CertificateTemporary Provisional Vocational CertificateProvisional Vocational CertificateTransitional Bilingual CertificateResident Teacher Certificate(Source: Added at 23 Ill. Reg. effective  
11/26/99 2843--)

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Section 25, APPENDIX C Exchange of CertificatesExisting CertificateDescriptionExchanged for:Early Childhood Certificates:02 Early Childhood To Age 6 Standard Early Childhood(0 to 6, excluding K)04 Early Childhood Age 0-Grade 3 Standard Early Childhood(0 to grade 3)06 Kindergarten-Primary K-3 Standard Early Childhood(K-3)45 Life Kindergarten K-3 Standard Early Childhood(K-3)Elementary Certificates:03 Standard Elementary K-9 Standard Elementary42 Life Elementary 1-8 Standard ElementaryHigh School Certificates:09 Standard High School 6-12 Standard Secondary11 Vocational 7-12 Field Standard Secondary14 Junior College 9-14 Field Standard Secondary47 Life High School 6-12 Standard Secondary49 Life Junior College 9-14 Field Standard SecondaryEndorsedSpecial Certificates:10 Standard Special K-12 Field Standard Special or bothEndorsed Standard Elementary and17 Special Exceptional K-14 Field Standard Special or bothChildren Endorsed Standard Elementary and48 Life Special K-14 Field Standard Special or bothEndorsed Standard Elementary and50 Life School Librarian K-14 Library Standard Special or bothStandard Elementary and Standard SecondaryIndividuals who receive Standard Special, Elementary and/or Secondary  
certificates will receive on those certificates the same endorsements they



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Section 25. APPENDIX D National Board and Master Certificates

Certificate Issued by National Board for Professional Teaching Standards

Equivalent Illinois Certificate

Early Childhood  
Middle Childhood  
Early and Middle Childhood

Early Childhood Master  
Elementary Master  
Early Childhood Master and  
Elementary Master

Early Adolescence  
Adolescence and Young Adulthood  
Early Adolescence through Young Adulthood

Elementary Master or Secondary Master  
Secondary Master  
Elementary Master and Secondary Master

(Source: Added at 23 Ill. Reg. 2843.3, effective 11/18/96)

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currently hold.

Holders of Standard Special Certificates may exchange them for either a Standard Special or both a Standard Elementary and Standard Secondary. If they choose the Standard Elementary and Standard Secondary Certificates, they will not be qualified to teach self-contained general education classrooms, but will receive on those certificates only the endorsements they hold. (For example, a holder of a special certificate endorsed for a particular subject area may teach only in that subject area, and a holder of a special certificate endorsed for serving students with a specific disability may serve only in a classroom serving such students.) They will have the option of adding onto the elementary and secondary certificates any other endorsements for which they qualify.

(Source: Added at 23 Ill. Reg. 2843.3, effective 11/18/96)

## ILLINOIS FARM DEVELOPMENT AUTHORITY

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- 1) Heading of the Part: Illinois Farm Development Authority
- 2) Code Citation: 8 Ill. Adm. Code 1400
- 3) Section Numbers:      Adopted Action:  
1400.146                  Amendment  
1400.147                  Amendment  
1400.148                  Amendment  
1400.149                  Amendment
- 4) Statutory Authority: 20 ILCS 3605/7
- 5) Effective Date of Amendments: February 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 21, 1998, 22 Ill. Reg. 15113
- 10) Has JCAR issued a statement of objection to these amendments? No
- 11) Differences Between Proposed and Final Version: Minor grammar and style changes made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: The changes are to incorporate Public Act 89-1880 and changes in Authority policies.
- 16) Information and Questions regarding this adopted amendment shall be directed to:

Laura A. Lanterman, C.P.A.  
Chief Financial Officer  
Illinois Farm Development Authority  
427 East Monroe Street, Suite 201  
Springfield, Illinois 62701

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The full text of the Adopted Amendments begins on the next page.



## ILLINOIS FARM DEVELOPMENT AUTHORITY

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITY

## PART 1400

## ILLINOIS FARM DEVELOPMENT AUTHORITY

Section	Definitions
1400.10	Composition, Appointment and Terms of Office
1400.20	Officers
1400.30	Executive Director
1400.40	Meetings
1400.50	Quorum
1400.60	Reimbursement
1400.70	Rules of Order
1400.80	Records and Reports
1400.90	Public Participation
1400.100	Rulemaking Procedures
1400.110	Purchasing Rules and Regulations
1400.120	Rules and Guidelines Applicable to All Bond Programs
1400.130	Bond Programs and Rules Applicable to Each
1400.140	Rules and Guidelines Applicable to the Interest Buy Down Program (Repealed)
1400.145	Rules and Guidelines Applicable to the Young Farmer Guarantee Program
1400.146	Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt
1400.147	Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program
1400.148	Agri-Industries
1400.149	Seal
1400.150	Principal Office
1400.160	Revision
1400.170	Construction; Waiver; Severability
1400.180	ILLUSTRATION A OIAPL Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act [20 ILCS 3605] and by the Farm Credit Allocation Act [20 ILCS 3610].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency expired March 21, 1986; emergency amendment at 10 Ill. Reg.

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2059, effective January 10, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; emergency expired July 28, 1986; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. 7582, effective May 26, 1995; amended at 22 Ill. Reg. 3467, effective January 30, 1998; amended at 23 Ill. Reg. 4536, effective 11/26/1999.

## Section 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program

- a) General Description of Program. The Young Farmer Guarantee Program (YFG) is designed to enhance credit availability to younger farmers who are purchasing capital assets. Loan funds may be used for new purchases of capital assets such as land, buildings, machinery, equipment, breeding livestock, soil and water conservation projects, etc. In some cases, up to 50% of the loan proceeds may be used to refinance existing debt as needed to improve lien positions. The provisions of this Section are applicable only to the YFG.
- b) Definitions Applicable to the YFG.

"Applicant" means a farmer whose application for a Young Farmer Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts and all other assets. [20 ILCS 3605/2]

"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total outstanding assets. [20 ILCS 3605/12.4]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on young farmer guarantee loans. [20 ILCS 3605/12.4]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 6-8-e-61).

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"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; indebtedness under capitalized leases; and all other liabilities. [20 ILCS 3605/2]

"YFG Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

"Young Farmer" means a resident of Illinois who is at least 18 years of age, who is a principal operator of a farm or land, who derives or will derive at least 50% of gross annual income from farming, who has a net worth of not less than \$10,000 and whose debt to asset ratio is not less than 40%. [20 ILCS 3605/12.4]

c) Eligible Farmers. To qualify for participation in the YFG, each farmer must:

- 1) be at least 18 years of age and maintain his principal residence in the State [20 ILCS 3605/12.4];
- 2) be the principal operator of a farm who derives or will derive at least 50% of annual gross income from farming [20 ILCS 3605/12.4];
- 3) have a debt to asset ratio of not less than 40% and not greater than 70% after purchase of the capital item and have a net worth of not less than \$10,000 [20 ILCS 3605/12.4];
- 4) demonstrate the ability to adequately service the proposed debt. If this ability is not adequately demonstrated, he can have a guarantor sign the note with him and/or pledge additional collateral for the loan;
- 5) provide sufficient collateral to secure the YFG loan and agree to keep it adequately collateralized in the future. All real estate and depreciable property which is to be used as collateral on a YFG loan must be evaluated by a qualified appraiser. All real estate appraisals must meet Federal regulatory requirements and meet the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. Auctioneers and machinery and equipment dealers are qualified to appraise depreciable property. The applicant is liable for all appraisal fees connected with the YFG Loan;
- 6) certify that all of his debts will be current at the time the YFG loan is closed. [20 ILCS 3605/12.4]

d) Limitations

- 1) YFG loans shall not exceed \$500,000 \$300,000 per young farmer. A young farmer may use this program more than once provided the aggregated principal amount of YFG loans to that young farmer does not exceed \$500,000 \$300,000. [20 ILCS 3605/12.4]
- 2) each YFG loan shall be set up on a payment schedule not to exceed

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30 years, but shall be no longer than 15 years in duration. [20 ILCS 3605/12.4] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow. Real estate loans may be amortized up to 25 years with a 15 year balloon. Loans with depreciable property as collateral will be amortized over a shorter period.

- 3) The YFG loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. YFG loans may not be assumed.

e) Application Procedures and Review.

- 1) Lenders shall apply for the YFG loans on forms provided by the Authority. The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State guarantee. [20 ILCS 3605/12.4] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.
- 2) Lenders shall certify that the application and any other documents submitted are true and correct. [20 ILCS 3605/12.4]
- 3) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 3/4-of 1% of the YFG loan amount less the \$300 application fee. Of this 3/4--of 1% closing fee, the Authority shall receive 3/4% 1/2% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4-of 1% closing fee may be included in the State Guarantee loan amount. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. [20 ILCS 3605/12.4]
- 4) When a State Guarantee application is submitted to the Authority, the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.



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- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.
- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.
- 7) Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, a YFG Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the YFG loan guarantee will be considered in force.
- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:
  - 1) charges a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the YFG loan can be converted to a fixed interest rate at any time during the term of the loan [20 ILCS 3605/12.4];
  - 2) pays a fee equal to 25 basis points on the loan to the Authority on annual basis [20 ILCS 3605/12.4];
  - 3) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents that the Authority may request [20 ILCS 3605/12.4];
  - 4) identifies collateral acceptable to the Authority in accordance with subsection (b) that is at least equal to the State Guarantee loan request [20 ILCS 3605/12.4];
  - 5) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority [20 ILCS 3605/12.4];
  - 6) is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided [20 ILCS 3605/12.4];
  - 7) assumes responsibility for the timely collection and disposition of collateral on a YFG loan that is in default; provided, however, that the lender shall not collect or dispose of

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- 8) agrees that the Authority has final approval on the sale of all collateral for the YFG loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of collateral remain after this payment, the lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion.
- g) The YFG loan shall be subject to an annual review and renewal by the lender and the Authority [20 ILCS 3605/12.4] for adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually.
  - 1) If it is determined that there is not sufficient collateral to adequately secure the YFG loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the YFG loan may be called due and payable.
  - 2) If a YFG loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than 90 days prior to call of the loan.
  - 3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire YFG loan. The YFG loan cannot be reinstated after the 90-day delinquency period.
  - h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the YFG loan to the holder of the guarantee. This payment shall be equal to the sum of:
    - 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;
    - 2) 85% of the interest balance as of the date of default or call; and
    - 3) 85% of the interest accrued from the date of default or call until the date payment is made up to a maximum of 120 days.
  - i) The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantee on YFG loans. [20 ILCS 3605/12.4]

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- 1) The Authority shall guarantee up to \$50,000,000 ~~\$35,700,000~~ in loans through the State Livestock Guarantee Program (SLP), YFG and State Guarantee Program for Agri-Industries (SGPAI). The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with ~~\$15,000,000~~ ~~\$10,000,000~~ to cover any losses under these programs.
- 2) The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above.
- 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Amended at 23 Ill. Reg. 2866, effective February 1993)

#### Section 1400.147 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt

- a) General Description of Program. The State Guarantee Program ("SGP") is intended to provide farmers who are experiencing financial difficulties caused by high interest rates and low commodity prices with a debt restructuring schedule to consolidate and spread out existing debt over a longer term at a reduced interest rate so that farmers will be able to continue existing farming operations. The provisions of this Section 1400.147 of this Part are applicable only to the SGP, and the provisions of Sections 1400.130 and 1400.140 of this Part are inapplicable to the SGP and procedures provided for pursuant to this Section.
- b) Definitions Applicable to the SGP only.

"Applicant" means a farmer whose application for a State Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates, personal residence, and value of beneficial interests in trusts; government payments or grants; capitalized leases; retirement accounts; and all other property and assets.

"Current Outstanding" means on the date of the application for any State Guarantee.

"Current Status" means the absence of any arrearages in any previously incurred debt for which a State Guarantee is sought.

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"Debt to Asset Ratio" means the current outstanding liabilities of the farmer divided by the current outstanding assets of the farmer. [20 ILCS 3605/12.1]

"Farmer" means a resident of Illinois, who is a principal operator of a farm or land, at least 50% of whose gross annual income is derived from farming and whose debt to asset ratio shall not be less than 40%, except in those cases where the applicant has previously used the Guarantee Program there shall be no debt to asset ratio or income restriction. [20 ILCS 3605/12.1]

"Fund" means the Illinois Agricultural Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on State Guarantee loans. [20 ILCS 3605/12.1]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 8-8-6: 61).

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments; accrued interest payable; indebtedness under capitalized leases; and all other liabilities. [20 ILCS 3605/2]

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as determined by the Authority.

- c) Eligible Farmers. To qualify for participation in the SGP, each farmer must:

- 1) maintain his principal residence in the State;
  - 2) be at least 18 years of age at the time of application;
  - 3) be the principal operator of the farming business for which the funds guaranteed by the SGP are contemplated to be used;
  - 4) be able to show, based upon his/her most recent Federal Income Tax Return and current data, that at least 50% of his/her annual gross income is derived from farming, unless the loan is a renewal of an existing guarantee;
  - 5) have a debt to asset ratio of not less than 40% and not greater than 65%, unless the loan is a renewal of an existing guarantee;
  - 6) provide sufficient collateral to secure the State Guarantee and agree to keep the State Guarantee adequately collateralized in the future;
  - 7) certify and agree that he/she will only use the State Guarantee to consolidate and restructure existing farming debts.
- d) Limitations.
- 1) No State Guarantee shall exceed \$500,000 ~~\$300,000~~ per farmer or farming operation. [20 ILCS 3605/12.1]



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- 2) Each State Guarantee shall be set up on a payment schedule not to exceed 30 years, and but shall be no longer than 30 10 years in duration. [20 ILCS 3605/12.1]
- 3) Only one State Guarantee shall be outstanding per farmer at any one time. [20 ILCS 3605/12.1]
- 4) Only one State Guarantee shall be outstanding at any one time for any one farming operation. If applicants file separate Schedule F's for their Federal Income Tax Returns, then they will be considered to operate separate farming operations.
- e) Application Procedures and Review.
  - 1) Lenders interested in the SGP must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the SGP.
  - 2) The lenders shall apply for State Guarantees on forms approved and provided by the Authority. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the State Guarantee. [20 ILCS 3605/12.1]
  - 3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute. Upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.
  - 4) The lender shall certify that all the information contained on the application and other submitted documents is correct, and shall be liable to the Authority for any damages suffered by any incorrect or untrue statement contained in any certified application.
  - 5) The application period for the SGP shall commence immediately upon the determination that these Rules are properly filed with the office of the Secretary of State, and end when the Authority has issued State Guarantees equal to \$160,000,000 or at any later time as may be set from time to time by legislative extension.
  - 6) Following submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review shall include, but will not be limited to, whether the applicant is an eligible farmer and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority will base its evaluation on collateral, percentage of loan, debt to asset ratio, cash flow, etc.
  - 7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Part:

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- A) If the Executive Director determines that the loan application is incomplete, he or she shall, within 14 days of such determination, inform the lender and the applicant of such determination, and detail the information or material that is necessary to complete the application. For the purposes of subsection (j) of this Section, no application shall be deemed complete until the lender or applicant has provided the additional information or material requested by the Executive Director.
- B) When the Executive Director has completed his or her review of the Guarantee application, he or she shall present the application, with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on collateral, percentage of loan, debt to asset ratio, cash flow, etc.
- 8) The Board shall review each loan application presented by the Executive Director in accordance with the provision of the Act and this Part, and the Board shall:
  - A) approve the application and provide the Guarantee, pursuant to the Act and this Part; or
  - B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.
- 9) Each applicant shall pay a \$300 application fee which will be submitted to the lender at the time of the application. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee which may be used to pay for administrative expenses incurred by the lender and the Authority. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The Authority shall credit the \$300 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. *The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any similar fees necessary for closing and maintaining the State Guarantee or selling into the secondary market. [20 ILCS 3605/12.1]*
- 10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. This Request for Reconsideration must be filed with the Authority not later than 21 days after such denial. The Request for Reconsideration should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request for Reconsideration at

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its next scheduled meeting, and shall either approve the application or deny the Request for Reconsideration. The applicant will have the opportunity to present new relevant facts on his previous denial to the Board, and if such facts will establish eligibility, the Request will be granted. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application shall be deemed complete for the purposes of subsection (j) of this Section.

f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Part, the lender:

- 1) agrees to bring the farmer's debt to a current status at the time the State Guarantee is provided; [20 ILCS 3605/12.1]
- 2) Charges a fixed or adjustable interest rate which is below the market rate of interest generally available to the borrower. The market rate of interest is that rate which would be charged by the same lender for the same project without the State Guarantee. If both the lender and the applicant agree, the interest rate on the State Guarantee loan can be converted to a fixed interest rate at any time during the term of the loan; [20 ILCS 3605/12.1]
- 3) agrees to pay to the Authority an annual fee equal to 25 basis points on the loan and any other necessary and ordinary administrative expenses in excess of the 25 basis points as determined from time to time pursuant to the Act and this Part;
- 4) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection, and any other documents that the Authority may request; [20 ILCS 3605/12.1]
- 5) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State guarantee loan request; [20 ILCS 3605/12.1]
- 6) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority; [20 ILCS 3605/12.1]
- 7) is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided; [20 ILCS 3605/12.1]
- 8) assumes responsibility for proceeding with the collecting and disposing of collateral on the State Guarantee within 14 months of the date that the loan is declared delinquent; provided, however, that the lender shall not collect or dispose of collateral on the State Guarantee without the express written prior approval of the Authority. [20 ILCS 3605/12.1] Approval shall be granted if the collateral is disposed of in a reasonably commercial manner, based on the manner, time and place of the sale, the purchase price and the purchaser. In the event that the lender fails to dispose of the collateral within 14 months,

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the lender shall repay to the State interest on the State Guarantee equal to the same rate which the lender charges on the loan; provided, however, that the Authority shall extend the 14-month period for a lender in the case of bankruptcy or extenuating circumstances which prevent the lender from liquidating the collateral. The lender shall repay this interest to the State until the collateral for the State Guarantee has been liquidated and the State has been reimbursed. [20 ILCS 3605/12.1] If the lender fails to repay the State the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action;

- 9) agrees that the Authority has final approval on the sale of all collateral for the State Guarantee. After the sale of collateral, the State shall be reimbursed 85% of the remaining principal amount of the State Guarantee loan. If the funds from the sale of collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the remaining principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion. If excess funds exist after repaying both the State and the lender, they shall be paid back to the farmer. [20 ILCS 3605/12.1]
- g) Annual Review.
  - 1) The lender and the Authority shall each, on an annual basis, review State Guarantees for any purpose including, but not limited to, present collateral value; timeliness of payments made by the farmer or any other purposes reasonably calculated to aid in determining the farmer's present and projected repayment capacity. If the Authority determines that the existing collateral is insufficient to cover the State's liability, additional collateral may be required. If the applicant fails to pledge such additional collateral, the State Guarantee loan may be called.
  - 2) In those cases where the borrower has not previously used the guarantee program, no State Guarantee shall be called by the lender or Authority during the first 3 years of the date on which the application is closed for any reason except defaults on payments or insufficient collateral. [20 ILCS 3605/12.1]
  - 3) Except as otherwise provided in the Act or this Part, a State Guarantee may be called by the lender or Authority upon a 90-day written notice to all parties specifying the reasons for such call (e.g., submission of false documentation, changing loan documents, and change of state residency).
  - 4) The lender can review and withdraw or continue with the State Guarantee on an annual basis after the first three years of the loan provided a 90 day notice, in writing, to all parties has



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been given. [20 ILCS 3605/12.1] Such notification must be provided on or before the date on which payment is due..

- 5) The applicant must make all payments on the State Guarantee within 90 days of the stated payment date. Failure to make payments on or before their due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire State Guarantee Loan. The State Guarantee cannot be reinstated after the 90-day delinquency period.

- h) Valuation of Collateral. The value of collateral shall be determined by a qualified farmland appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers, or one whose qualifications have been reviewed by the Authority. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State's liability and may appoint an independent appraiser to aid in its determination on the sufficiency of collateral. The Authority will view real estate as the primary collateral on SGP loans, with machinery and equipment and breeding livestock to be used as secondary collateral, except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The Authority may, among other things, take a mortgage or lien on land or other assets to cover the State's liability. Collateral may be transferred only upon written approval by the Authority and the lender.

- i) Fund. To implement and carry out the objectives of the SGPAL, the Fund has been created as a special Fund outside of the State Treasury.

- 1) The Authority is authorized to transfer no more than \$45,000,000 to the Fund during the duration of the State Guarantee program, to secure State Guarantees issued pursuant to this Section. Any amounts transferred from the Illinois Agricultural Loan Guarantee Fund to the General Revenue Fund under powers granted to the Governor by Public Act 87-14 shall not be considered in determining if the maximum of \$45,000,000 has been transferred into the Illinois Agricultural Loan Guarantee Fund. [20 ILCS 3605/12.1]

- 2) The State shall not be liable for more than \$45,000,000 to secure State Guarantees issued pursuant to this Section. [20 ILCS 3605/12.1]

- 3) In the event of default by the farmer, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. All payments by the Authority shall be made from the Illinois Agricultural Loan Guarantee Fund to satisfy claims against the State Guarantee. The Illinois Agricultural Loan Guarantee Fund shall guarantee receipt of payment of the 85% of the principal and interest owed on the

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State Guarantee loan by the farmer to the guarantee holder. [20 ILCS 3605/12.1] In no event shall the interest amount guaranteed by the Authority include interest accruing beyond 120 days from the date of default.

- 4) The Fund shall be reimbursed for any amount paid under this subsection (i) upon liquidation of collateral which the lender shall seize and convert to cash in a reasonably commercial manner. [20 ILCS 3605/12.1]

- j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

- k) Guarantors and Additional Collateral. An applicant for a State Guarantee Loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee loan if the lender and Authority determine that the applicant alone cannot provide sufficient collateral for the State Guarantee.

- l) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee Loan to the holder of the State Guarantee. The payment shall be made by the Authority to the holder of the State Guarantee within 30 days after an appropriate request by a lender certifying that the 90-day delinquency period has elapsed. The payment shall include 85% of past due interest and 85% of the remaining principal.

- m) Prepayment of Loans. Each loan shall be paid at least on an annual basis with one payment due each year on the date on which the loan was closed for a period of ten years or until the loan is repaid, whichever occurs first. The State Guarantee Loan may be prepaid in full or in part at any time the loan is outstanding without penalty.

- n) Assumption of Loans. No State Guarantee loan may be assumed by any entity unless specifically authorized by the Authority. Such authorization will be granted only in extraordinary cases (e.g., death or serious illness of the applicant with assumption by an immediate family member).

- o) Total Obligations through the SGP. The Authority shall have outstanding guarantees in an aggregate principal amount up to \$160,000,000 through the SGP. The Illinois Agriculture Loan Guarantee Fund shall be funded with \$45,000,000 to cover any losses.

(Source: Amended at 23 Ill. Reg. 2886, effective 1/18/99)

### Section 1400.148 Rules and Guidelines Applicable to the Specialized Livestock Guarantee Program

- a) General Description of Program. The Specialized Livestock Guarantee Program (SLP) is designed to enhance opportunities for many Illinois farmers who want to position themselves for success in the changing

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livestock industry. This program targets specialized, family sized livestock operations, including swine and dairy and beef cattle operations. Loan funds may be used primarily for construction, purchase, and/or remodeling of facilities, and also for purchases of equipment and breeding livestock. The provisions of this Section are applicable only to the SLP.

b) Definitions applicable to the SLP.

"Applicant" means a farmer whose application for a Specialized Livestock Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: crops or feed on hand; livestock held for sale; breeding stock; cash; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; government payments or grants; capitalized leases; retirement accounts; and any other assets.

"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total assets.

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on Specialized Livestock Guarantee loans.

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments accrued; interest payable; indebtedness under capitalized leases; and any other liability.

"SLP Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

c) Eligible Farmers. To qualify for participation in the SLP, the applicant must:

- 1) be a resident of the State of Illinois. In the case of entities other than sole proprietorships, the owners of such entity must be Illinois residents.
- 2) be the principal operator and/or materially involved in the operation.
- 3) have adequate cash flow and collateral.

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4) certify to the Authority that, at the time the State Guarantee is provided, the borrower will not be delinquent in the repayment of any debt. [20 ILCS 3605/12.5]

d) Limitations

1) SLP loans shall not exceed \$1,000,000 per applicant. An applicant may use this program more than once, provided the aggregated principal of SLP loans to that applicant does not exceed \$1,000,000. [20 ILCS 3605/12.5]

2) Each SLP loan shall be no longer than 15 years in duration. [20 ILCS 3605/12.5] The payment schedule for the loan will be tailored to the applicant's collateral and cash flow.

3) The SLP Loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. SLP Loans may not be assumed.

e) Application Procedures and Review.

1) Lenders shall apply for the State Guarantees on forms provided by the Authority and certify that the application and any other documents submitted are true and correct. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the State Guarantee. [20 ILCS 3605/12.5] Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.

2) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 1% of the SLP Loan amount less the \$300 application fee. Of this 1% closing fee, the Authority shall receive 3/4% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 1% closing fee may be included in the State Guarantee Loan amount. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the Authority may require. [20 ILCS 3605/12.5]

3) The lender must agree to charge a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the State guaranteed loan can be converted to a fixed interest rate at any time during the term of the loan. [20 ILCS 3605/12.5]

4) When a State Guarantee application is submitted to the Authority,



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the Authority shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the Guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.
- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.
- 7) Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, an SLP Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the SLP Loan guarantee will be considered in force.

f) Provision of Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender lender if:

- 1) the lender pays a fee equal to 25 basis points on the loan to the Authority on an annual basis [20 ILCS 3605/12.5];
- 2) the applicant provides collateral acceptable to the Authority that is at least equal to the State Guarantee [20 ILCS 3605/12.5];
- 3) The Lender must certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents submitted;
- 4) the lender lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default [20 ILCS 3605/12.5];
- 5) the lender lender is at risk for the first 15% of the outstanding principal of the note for which the State Guarantee is provided [20 ILCS 3605/12.5];
- 6) the lender lender must certify that, to the best of the lender's

## ILLINOIS FARM DEVELOPMENT AUTHORITY

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lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents submitted;

- 7) the lender lender assumes responsibility for the timely collection and disposition of collateral on an SLP Loan that is in default; provided, however, that the lender lender shall not collect or dispose of collateral on the SLP loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;
- 8) the lender lender agrees that the Authority has final approval on the sale of all collateral for the SLP loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of collateral remain after this payment, the lender lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender lender, then the State and lender lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's lender's portion.
- 9) The SLP Loan shall be reviewed annually by the lender lender and IFDA for adequacy of collateral and performance by the applicant. The applicant is required to provide the lender lender with a current financial statement annually.
  - 1) If it is determined that there is not sufficient collateral to adequately secure the SLP Loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the SLP Loan may be called due and payable.
  - 2) If an SLP Loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender lender, and borrower) not less than 90 days prior to call of the loan.
  - 3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire SLP Loan. The SLP Loan cannot be reinstated after the 90-day delinquency period.
  - h) In the event of default that is not cured within 90 days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the SLP Loan to the holder of the guarantee. This payment shall be equal to the sum of:
    - 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;

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- 2) 85% of the interest balance as of the date of default or call; and
- 3) 85% of the interest accrued from the date of default or call until the date payment is made, up to a maximum of 120 days.
- i) *The Illinois Farmer and Agribusiness Loan Guarantee Fund* shall be used to secure State guarantees on SLP Loans. [20 ILCS 3605/12.5]
- 1) The Authority shall guarantee up to \$50,000,000 \$35,000,000 in loans through the SLP, YFG and SGPAI. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 \$10,000,000 to cover any losses under these programs.
  - 2) The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above.
  - 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Amended, at 23 Ill. Reg. 28663, effective 1/16/1992)

### Section 1400.149 Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries

- a) General Description of Program. The State Guarantee Program for Agri-Industries (SGPAI) was created to encourage diversification and vertical integration of Illinois agriculture. ~~It is designed to assist the farmer/agribusiness by spreading out his debt over a longer term--at a reduced interest rate.~~ The provisions of this Section are applicable only to the SGPAI, and the provisions of Sections 1400.130, 1400.140, 1400.145, 1400.147 and 1400.148 of this Part are inapplicable to the SGPAI and procedures provided for pursuant to this Section.
- b) Definitions Applicable to the SGPAI Only.

"Agribusiness" means any sole proprietorship, limited partnership, co-partnership, joint venture, corporation or cooperative which operates or will operate a facility located within the State of Illinois that is related to the processing of agricultural commodities (including, without limitation, the products of agriculture, hydroponics and silviculture) or the manufacturing, production or construction of agricultural buildings, structures, equipment, implements, and supplies, or any other facilities or processes used in agricultural production. ~~(Ill.-Rev.-Stat.-1991-ch.-57-par.-1209)~~ [20 ILCS 3605/2]

"Applicant" means a farmer/agribusiness whose application for a State Guarantee has been submitted to the Authority by a lender.

"Farmer" means a resident of Illinois who is a principal operator of

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*farm or land, at least 50% of whose annual gross income is derived from farming, whose annual total sales of agricultural products, commodities or livestock exceeds \$20,000 and whose net worth does not exceed \$500,000.* ~~(Ill.-Rev.-Stat.-1991-ch.-57-par.-1212-9)~~ [20 ILCS 3605/12.2]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on SGPAI loans.

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 USC 8-5-e- 61).

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as described by the Authority.

c) Applicant Eligibility Requirements.

- 1) Farmer. To qualify for participation each farmer must:
  - A) be a resident of Illinois [20 ILCS 3605/12.2] ~~maintain his principal residence in the State;~~
  - B) be at least ~~eighteen--~~ 18 years of age at the time of application;
  - C) be the principal operator of a farm or land for which the funds guaranteed by the State Guarantee are to be used [20 ILCS 3605/12.2]; ~~be the principal operator--of--the--farming business--for--which--the--funds--guaranteed--by--the--State guarantee--are--to--be--used;~~
  - D) be able to show, based upon his/her most recent federal income tax return and/or current data, that at least 50% of his/her gross income is derived from farming [20 ILCS 3605/12.2]; ~~be able to show, based upon his/her most recent Federal--income--tax--return--and/or--current--data,--a--gross--farm income--of--\$20,000--or--more;~~
  - E) be able to show, based upon his/her most recent federal income tax return and/or current data, that his/her total sales of agricultural products, commodities, or livestock exceeds \$20,000 [20 ILCS 3605/12.2]; ~~be able to show, based upon his/her most recent Federal--income--tax--return--and/or--current--data,--that--at--least--50%--of--his/her--annual--gross income--is--derived--from--farming;~~
  - F) be able to show that his/her net worth does not exceed \$500,000 ~~be able to show--that--he/she--has--a--net--worth--of--\$500,000--or--less--(Ill.-Rev.-Stat.-1991-ch.-57-par.-1212-2)~~ [20 ILCS 3605/12.2].

2) Agribusiness. To qualify for participation each agribusiness must:

- A) be located in Illinois;
- B) use agricultural products which are now grown or raised in



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- Illinois, or which will be grown or raised in Illinois.
- 3) Joint Requirements. To qualify for participation each applicant must:
- Promote diversification of the farm economy of this State through the growth and development of new crops or livestock not customarily grown or produced in this State or that which emphasize a vertical integration of grain or livestock produced or raised in this State into a finished agricultural product for consumption or use. "New crops or livestock not customarily grown or produced in this State" shall not include corn, soybeans, wheat, swine or beef or dairy cattle. "Vertical integration of grain or livestock produced or raised in this State" shall include any new or existing grain or livestock grown or produced in this State; (iii) Rev. Stat. 1991, ch. 57, par. 1212.2 [20 ILCS 3605/12.2].
  - provide sufficient collateral to secure the entire loan at the time of application and agree to keep the loan collateralized in the future;
  - agree to make all payments on the State Guarantee within 90 days of the stated payment date. If any payment is not made within said 90 day period, then the total outstanding principal and interest on the entire State Guarantee loan are due and payable immediately. The State Guarantee loan cannot be reinstated after the 90 day delinquency period.
- d) Any State Guarantees provided under this Section: limitations
- shall not exceed \$500,000 per farmer or an amount as determined by the Authority on a case-by-case basis for an agribusiness; the term of the SGPFI loan shall not exceed 15 years; the maximum loan shall be \$300,000 per farmer and shall be determined on a case-by-case basis for an agribusiness, based on its debt servicing ability.
  - shall not exceed a term of 15 years; the SGPFI loan shall be subject to an annual review and renewal by the lender and the Authority. Only one State Guarantee shall be made to any one farmer; farming operation or agribusiness, except that additional State guarantees may be made for purposes of expansion of projects financed by a previously issued State Guarantee. Biggibility for additional guarantees will be determined in accordance with Section 1400.149. If applicants file separate Schedule F's, then they will be considered to operate separate farming operations. (iii) Rev. Stat. 1991, ch. 57, par. 1212.2 [20 ILCS 3605/12.2]
  - shall be subject to an annual review and renewal by the lender and the Authority. [20 ILCS 3605/12.2]
- e) Application Procedures and Review.
- Lenders interested in the SGPFI must complete a Better of Interest and return it to the Authority's office in Springfield

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- Illinois. After the better of interest has been received by the Authority, the lender will be placed on the mailing list for the State Guarantee Program. If the lender has already signed a letter for the State Guarantee Program, it is not required to re-sign. A new better of interest is not required.
- 1) The Lenders shall apply for the State Guarantees on forms provided by the Authority, certify that the application and any other documents submitted, such as balance sheets, security analyses, cash flow projections and feasibility studies are true and correct, and shall be liable to the Authority for any damages suffered because of an incorrect or untrue statement contained in any certified application for State Guarantees. The application shall at a minimum contain the farmer's or agribusiness' name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets and any other information pertinent to the application and the collateral to be used to secure the State Guarantee, such as feasibility studies, purchase contracts or sales contracts. (iii) Rev. Stat. 1991, ch. 57, par. 1212.2 [20 ILCS 3605/12.2]
- 2) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute; upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.
- 4) The lender shall certify that all information contained on the application, balance sheets, security analyses, cash flow projections and feasibility studies is correct and shall be liable to the Authority for any damages suffered by an incorrect or untrue statement contained in any certified application.
- 3) The application period for the SGPFI shall commence immediately upon the determination that these Rules are properly filed with the Office of the Secretary of State and end when the Authority has issued State Guarantees equal to \$50,000,000 through this SGPFI program and the YFG and SLP programs, \$357,000,000 or at any later time as may be set from time to time by legislative extension.
- 4) Following submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review will include whether the applicant is an eligible farmer or agribusiness and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority's review will also include evaluation of such factors as collateral, percentage of loan, debt to asset ratio, cash flow, and other information submitted by the applicant.
- 5) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to

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determine whether it is complete pursuant to subsection (e)(1)(4) above, and whether it meets the criteria established by the Act and this Part:

- A) If the Executive Director determines that the loan application is incomplete, he/she shall within ~~fourteen~~ 14 days of such determination inform the lender and the applicant of such determination and detail the information or material that is necessary to complete the application. For the purpose of subsection (j) of this Section no application shall be deemed complete until the lender or applicants have provided the additional information or material requested by the Executive Director.
  - B) When the Executive Director has completed his/her review of the Guarantee application, he/she shall present the application with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on such factors as collateral, percentage of loan, debt to asset ratio, cash flow and other information submitted by the applicant.
- 8) The Board shall review each loan application presented by the Executive Director using the criteria in subsection (e)(4) (4) above, and the Board shall:
- A) approve the application and provide the Guarantee pursuant to the Act and this Part; or
  - B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.
- 9) Each applicant shall pay a \$300 \$400-00 application fee which will be submitted to the Authority tender at the time of the application. ~~Of this \$400 application fee the Authority shall be paid \$300 at the time the State Guarantee loan application is filed, the lender shall receive the remaining \$100 for administrative expenses.~~ At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee loan amount. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses incurred in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee loan amount. The Authority shall credit the \$300 \$400-00 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. ~~The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, and financing statements, insurance for secondary market issues and any other similar fees or charges necessary for closing and maintaining the State Guarantee or selling it into the secondary market. [20 ILCS 3605/12.2]~~
- 10) If the application is denied, the applicant and the lender may

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file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application. This Request for Reconsideration must be filed with the Authority not later than ~~twenty-one~~ 21 days after denial and should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request at its next scheduled meeting. The review will be based on the criteria established in subsection (e)(4) (4) above. Based on the review, the Board shall approve or deny the Request for Reconsideration. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request shall be deemed complete for the purposes of the subsection (j) of this Section.

- f) Provision or Renewal of State Guarantees. ~~The Authority shall provide or renew a State Guarantee to a lender if the Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:~~
  - 1) ~~a fee equal to 25 basis points on the loan is paid to the Authority on an annual basis by the lender, along with any other necessary expenses for maintaining the State Guarantee charges a fixed or adjustable interest rate which is below the market rate of interest generally available to the borrower, the market rate of interest is that rate which would be charged by the same lender for the same project without the State Guarantee, if both the lender and the borrower agree, the interest rate on the State Guarantee loan can be converted to a fixed rate at any time during the term of the loan; (iii) Rev. Stat., 1991, ch. 5, par. 12.2-2; [20 ILCS 3605/12.2];~~
  - 2) ~~the application provides collateral acceptable to the Authority that is at least equal to the State's portion of the Guarantee to be provided agrees to pay the Authority an annual fee equal to 25 basis points on the loan and any other necessary expenses for maintaining the State Guarantee; (iii) Rev. Stat., 1991, ch. 5, par. 12.2-2; [20 ILCS 3605/12.2];~~
  - 3) ~~agrees to complete and certify that, to the best of his knowledge, all information is true and correct on the application, cash flow statements, financial statements, balance sheets and any other information pertinent to the application, identifies collateral acceptable to the Authority in accordance with subsection (h) of this Section that is at least equal to the State Guarantee loan request;~~
  - 3) ~~the lender assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting with the Authority subject to consulting with the Authority; (iii) Rev. Stat., 1991, ch. 5, par. 12.2-2; [20 ILCS 3605/12.1];~~
  - 4) ~~the lender agrees that it is responsible assumes responsibility~~





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who has at least three years experience appraising farmland. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State Guarantee loan and may appoint an independent appraiser to aid in its determination. The Authority will view real estate as the primary collateral on SGPAI loans. Machinery and equipment and breeding livestock will be used only as secondary collateral except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The applicant shall be liable to pay for all appraisal fees which are incurred when the value of the collateral is established.

i) Fund. To implement and carry out the objectives of the SGPAI, there is created to implement and carry out the objectives of the SGPAI, the fund--has-been-created--as--a--special--fund outside of the State's Treasury a special fund to be known as the Illinois Farmer and Agribusiness Loan Guarantee Fund. [20 ILCS 3605/12.2]

1) The Authority is authorized to transfer an amount not to exceed \$15,000,000 to the fund during the SGPAI, Young Farmer Guarantee, and Specialized Livestock Guarantee. [20 ILCS 3605/12.2] may request--transfer--of no more than \$10,000,000--to the fund--during the SGPAI--and Young Farmer Guarantee.

2) The in-no-event-will-the State will not be liable for more than \$15,000,000 \$10,000,000 to secure State Guarantees issued under pursuant-to this Section, Young Farmer Guarantees under Section 1400.146, and Specialized Livestock Guarantees under Section 1400.148 and Young Farmer Guarantees issued pursuant-to--Section 1400--146:

3) In the event of default by the farmer or agribusiness on State Guarantee Loans, the lender shall be entitled to, and the Authority shall direct payment on, the State Guarantee after 90 days of delinquency. [20 ILCS 3605/12.2] The Authority shall direct a single payment equal to 85% of the outstanding principal plus interest accrued since the date payment was due. If a borrower defaults on a loan secured by--a--State--Guarantee,--the lender--shall--after--90--days--request--that--payment--on--the--loan--be made--by--the--fund,--the Authority shall direct--a--single--payment equal--to--85%--of--the--outstanding--principal--plus--interest--accrued since--the--date--payment--was--due.

4) Upon liquidation of collateral, The the fund shall be reimbursed for any amount paid under this subsection upon liquidation of the collateral subsection. (iii--Rev--Stat--1991--ch--57--par--12.2) [20 ILCS 3605/12.2]

j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents.

k) Guarantors and Additional Collateral. An applicant for a State Guarantee loan may have a guarantor co-sign the note and/or pledge additional collateral for the State Guarantee loan if the lender and

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the Authority determine that the applicant alone cannot provide sufficient collateral.

l) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owned on the State Guarantee to the holder of the State Guarantee within 30 days after of receiving an appropriate request from the lender certifying that the 90-day delinquency period has elapsed.

m) Prepayment of Loan. The frequency of payments due on a SGPAI loan shall be determined on a case by case basis. Payment schedules will be tailored to match the operation's income. The loan may be prepaid in full or in part without penalty at any time during the term of the loan.

n) Assumption of Loans. State Guarantee loans may not be assumed except with the approval of the Authority Board of Directors. Approval will be granted only in unusual circumstances such as death of the borrower with assumption by a family member.

o) Total Obligations Through the SGPAI. The Authority shall guarantee up to \$50,000,000 \$95,000,000 in loans through the SGPAI, the Young Farmer Guarantee, and the Specialized Livestock Guarantee. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$15,000,000 \$10,000,000 to cover any losses.

(Source: Amended at 23 Ill. Reg. 9806.00, effective 1/1/1994)



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Particle Accelerators
- 2) Code Citation: 32 Ill. Adm. Code 390
- 3) Section Number: Adopted Action:  
390.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- 5) Effective Date of Amendments: February 25, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: December 4, 1998 (22 Ill. Reg. 20720)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR regarding this rulemaking.
- 13) Will these amendments replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment deletes specific references to film badges and thermoluminescent dosimeters and adds references to federally approved dosimetry processors in regulations that require radiographers, radiographer trainees, and other specified persons to wear devices for radiation monitoring purposes. The National Institute of Standards and Technology has accredited a new monitoring technology and the Department is, therefore, broadening the requirements in this amendment to include the newer devices.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
  
Robert B. Holtsclaw

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-1003 (voice)  
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 390  
PARTICLE ACCELERATORS

Section	Scope
390.10	Definitions
390.20	Operating Procedures and Instructions
390.30	Equipment Controls
390.40	Radiation Monitoring
390.50	Radiation Surveys
390.60	Personnel Training
390.70	

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed and effective April 24, 1970, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 18 Ill. Reg. 3143, effective February 22, 1994; emergency amendment at 22 Ill. Reg. 21097, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 289 3 effective FEB 25 1999.

Section 390.50 Radiation Monitoring

- a) Portable radiation monitoring equipment shall be properly maintained and available at the accelerator facility. An appropriate radiation monitor shall be used for all accelerator target rooms and other high radiation areas. This monitor shall be one or more of the following:
  - 1) An area monitor with an easily observable indicator located near the entrance that warns of radiation levels above a predetermined limit;
  - 2) A personal radiation monitor of the "chirpie" type worn while in the room;
  - 3) A portable survey instrument carried into the room; or
  - 4) A monitor approved by the Department.
- b) No registrant shall permit any individual to enter a restricted area unless such individual wears both: a film badge--or--thermoluminescent dosimeter--(TLD)--and--a pocket-ionization-chamber--Pocket-ionization chambers--shall-be-capable-of-measuring-doses-from--zero--to--at-least 51.6--mrem/kg--(200-mR)--A film badge--or--thermoluminescent-dosimeter (TLD)--shall-be-assigned-to-and-worn-by-only-one-individual--and--shall be-capable-of-registering-2.50-mrem/kg--(100-mR)--or-greater.
- 1) An individual monitoring device, assigned to and worn by only one individual, that is provided and evaluated by a qualified

DEPARTMENT OF NUCLEAR SAFETY  
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dosimetry processor as described in 32 Ill. Adm. Code 340.510(d); and  
2) A pocket ionization chamber capable of measuring doses from zero to at least 51.6 microC/kg (200 mR).

(Source: Amended at 23 Ill. Reg. 269 4, effective FEB 25 1999)



DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED AMENDMENTS

Robert B. Holtsclaw  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-1003 (voice)  
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Radiation Safety Requirements for Industrial Radiographic Operations
- 2) Code Citation: 32 Ill. Adm. Code 350
- 3) Section Number: Adopted Action:  
350.2030 Amendment  
350.3045 Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- 5) Effective Date of Amendments: 2/25/99
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: December 4, 1998 (22 Ill. Reg. 20722)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR regarding this rulemaking.
- 13) Will these Amendments replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment deletes specific references to film badges and thermoluminescent dosimeters and adds references to federally approved dosimetry processors in regulations that require radiographers, radiographer trainees, and other specified persons to wear devices for radiation monitoring purposes. The National Institute of Standards and Technology has accredited a new monitoring technology and the Department is, therefore, broadening the requirements in this amendment to include the newer devices.
- 16) Information and questions regarding these adopted amendments shall be directed to:

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 32: ENERGY

## CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

## SUBCHAPTER b: RADIATION PROTECTION

## PART 350

## RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

## SUBPART A: GENERAL PROVISIONS

Section	Purpose
350.10	Scope
350.20	Scope
350.25	Incorporations by Reference
350.30	Definitions
350.40	Exemptions
350.50	Receipt, Transfer and Disposal of Sources of Radiation

## SUBPART B: EQUIPMENT CONTROL

Section	Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1000	Requirements for Radiography Equipment Using Radiographic Exposure Devices
350.1005	Requirements for Radiography Equipment Using Radiation Machines
350.1010	Limits on Levels of Radiation for Radiographic Exposure Devices, Source Changers and Transport Containers
350.1020	Locking of Sources of Radiation
350.1030	Permanent Storage Precautions
350.1040	Radiation Survey Instruments
350.1050	Testing for Leakage or Contamination, Repair, Tagging, Opening, Modification and Replacement of Sealed Sources
350.1060	Quarterly Inventory
350.1070	Utilization Logs
350.1080	Inspection and Maintenance
350.1090	Permanent Radiographic Installations

## SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

Section	Training and Testing
350.2010	Operating and Emergency Procedures
350.2020	Personnel Monitoring Control
350.2030	Supervision of Radiographer Trainees

## SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section	Access Control and Security
350.3010	

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350.3020	Posting
350.3030	Radiation Surveys and Survey Records
350.3040	Records Required at Temporary Job Sites
350.3045	Operating Requirements
350.3048	Notification of Incidents
350.3050	Special Requirements and Exemptions for Enclosed Radiography Systems
350.3060	Special Requirements and Exemptions for Enclosed Radiography Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals (Repealed)
350.3070	Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals (Repealed)
350.3080	Special Requirements for Mobile or Portable Radiation Machines (Repealed)
350.3090	Special Requirements for Underwater and Lay-Barge Radiography
350.4000	Prohibitions
350.4010	Licensing and Registration Requirements for Industrial Radiographic Operations
350.4020	Radiation Safety Officer
350.4030	Reciprocity

## APPENDIX A Subjects to be Covered During the Instruction of Radiographers (Repealed)

## APPENDIX B General Requirements for Inspection of Industrial Radiographic Equipment

## APPENDIX C Retention Requirements for Records

## AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989; amended at 18 Ill. Reg. 7263, effective May 2, 1994; expedited correction at 18 Ill. Reg. 10943, effective May 2, 1994; amended at 19 Ill. Reg. 8250, effective June 12, 1995; amended at 19 Ill. Reg. 16591, effective November 27, 1995; emergency amendment at 22 Ill. Reg. 21101, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2490, effective 11/18/99.

## SUBPART C: PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHER TRAINEES

## Section 350.2030 Personnel Monitoring Control

- a) The licensee or registrant shall not permit any individual to act as a radiographer or as a radiographer trainee unless, at all times during radiographic operations, each such individual wears a direct reading



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pocket ionization chamber (i.e., pocket dosimeter) and an individual monitoring device provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d) ~~either a film badge or a thermoluminescent dosimeter (TLD)~~ either a film badge or a thermoluminescent dosimeter (TLD). Each such device film badge or TLD shall be assigned to and worn by only one individual.

b) Pocket ionization chambers (i.e., pocket dosimeters) shall meet the criteria in ANSI N13.5-1972, "Performance Specifications for Direct Reading and Indirect Reading Pocket Dosimeters for X- and Gamma Radiation" published 1972, exclusive of subsequent amendments or editions.

c) The use of pocket ionization chambers (i.e., pocket dosimeters) is subject to the following requirements:

- 1) Pocket ionization chambers shall be recharged at least daily or at least at the start of each work shift;
- 2) Pocket ionization chambers shall be read and exposures recorded at least at the beginning and end of each worker's shift involving the use of a source of radiation;
- 3) Pocket ionization chambers shall be checked for correct response to radiation at periods not to exceed 1 year. Acceptable dosimeters shall read within plus or minus 30 percent of the true radiation exposure. Records of pocket ionization chamber (i.e., pocket dosimeter) calibrations shall be maintained for inspection by the Department for 5 years; and
- 4) If an individual's pocket ionization chamber is discharged beyond its range (i.e., goes "off-scale"), industrial radiographic operations by that individual shall cease immediately and the individual's monitoring device film badge or TLD shall be sent immediately for processing. The individual shall not use sources of radiation until the individual's radiation dose has been determined.

d) Reports received from the individual monitoring device film badge or TLD processor and records of daily pocket ionization chamber (i.e., pocket dosimeter) readings shall be kept for inspection by the Department until the radioactive material license or certificate of registration is terminated or until the Department authorizes their disposition, in writing, following a determination by the Department that the records contain inaccurate personnel monitoring information.

e) In addition to other requirements of this Section, each individual performing radiography with sealed sources at a location other than a permanent radiography installation shall wear an alarm ratemeter. Each alarm ratemeter shall:

- 1) Be checked prior to use at the start of each shift to ensure that the alarm functions properly (sounds);
- 2) Be set to give an alarm signal at a preset dose rate of 5mSv (500 mrem) per hour or less;
- 3) Require special means to change the preset alarm function; and
- 4) Be calibrated, at periods not to exceed 1 year, for correct response to radiation. Ratemeters shall alarm within plus or

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minus 20 percent of the true radiation dose rate. Records of alarm ratemeter calibrations shall be maintained for inspection by the Department for 5 years.

- f) The alarm ratemeter shall be used in addition to, and not as a substitute for, the portable survey instrument required by Section 350.3030. The alarm ratemeter is intended to provide additional assurance that the radiation exposure levels are within regulatory limits.

(Source: Amended at 23 Ill. Reg. 2900 ≡ effective 11/25/96)

## SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

## Section 350.3045 Operating Requirements

- a) When radiography is performed at a location other than a permanent radiographic installation, a minimum of two radiographic personnel shall be present to operate the radiographic exposure device. At least one of the radiographic personnel shall be a radiographer. The other radiographic personnel may be either a radiographer or radiographer trainee.
- b) Collimators shall be used in industrial radiographic systems that use crank-out devices except when physically impossible.
- c) Other than a radiographer, or a radiographer trainee who is under the personal supervision of a radiographer, no person shall manipulate controls or operate equipment used in industrial radiographic operations.
- d) At each job site, the following shall be supplied by the licensee or registrant:
  - 1) The appropriate barrier ropes and signs;
  - 2) At least one operable, calibrated survey instrument;
  - 3) A current whole body individual monitoring device (TLD or film badge) for each worker; and
  - 4) An operable, calibrated pocket ionization chamber (i.e., pocket dosimeter) with a range of zero to 51.6 micro C/kg (200 mR) for each worker.
- e) Each worker who performs industrial radiography with a sealed source at a location other than a permanent radiography installation shall have on his or her person an operable, calibrated alarm ratemeter.
- f) Each radiographer or radiographer trainee at a job site shall have on his or her person a valid industrial radiographer certification card issued by the Department pursuant to the provisions of 32 Ill. Adm. Code 405.
- g) Industrial radiographic operations shall not be performed if any of the items in subsections (d), (e) and (f) of this Section above are unavailable at the job site or are inoperable.

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(Source: Amended at 23 Ill. Reg. 2900, effective 11/25/93)

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- 1) Heading of the Part: Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies
- 2) Code Citation: 32 Ill. Adm. Code 351
- 3) Section Number: 351.2030  
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].
- 5) Effective Date of Amendments: February 25, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: December 4, 1998 (22 Ill. Reg. 20724)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR regarding this rulemaking.
- 13) Will these amendments replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment deletes specific references to film badges and thermoluminescent dosimeters and adds references to federally approved dosimetry processors in regulations that require radiographers, radiographer trainees, and other specified persons to wear devices for radiation monitoring purposes. The National Institute of Standards and Technology has accredited a new monitoring technology and the Department is, therefore, broadening the requirements in this amendment to include the newer devices.
- 16) Information and questions regarding these adopted amendments shall be



DEPARTMENT OF NUCLEAR SAFETY  
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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 351  
RADIATION SAFETY REQUIREMENTS FOR WIRELINE  
SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

Section	Purpose
351.10	Scope
351.20	Incorporations by Reference
351.25	Definitions
351.30	Prohibition
351.40	Limits on Levels of Radiation
351.1010	Storage Precautions
351.1020	Transport Precautions
351.1030	Radiation Survey Instruments
351.1040	Testing for Leakage or Contamination of Sealed Sources
351.1050	Quarterly Inventory
351.1060	Utilization Records
351.1070	Design and Performance Criteria for Sealed Sources Used in Downhole Operations
351.1080	Labeling
351.1090	Inspection and Maintenance
351.1100	Training Requirements
351.2010	Operating and Emergency Procedures
351.2020	Personnel Monitoring
351.2030	Security
351.3010	Handling Tools
351.3020	Subsurface Tracer Studies
351.3030	Particle Accelerators
351.3040	Radiation Surveys
351.4010	Documents and Records Required at Field Stations
351.4020	Documents and Records Required at Temporary Jobsites
351.4030	Notification of Incidents, Abandonment and Lost Sources
351.5010	Subjects To Be Included In Training Courses For Logging Supervisors
APPENDIX A	Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole
APPENDIX B	

AUTHORITY: Implementing and authorized by Sections 9 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9 and 11] and Section 5 of the Personnel Radiation Monitoring Act [420 ILCS 25/5].

SOURCE: Adopted at 10 Ill. Reg. 17507, effective September 25, 1986; amended at 11 Ill. Reg. 5215, effective March 13, 1987; amended at 13 Ill. Reg. 13605, effective August 11, 1989; amended at 14 Ill. Reg. 13633, effective August 13,

DEPARTMENT OF NUCLEAR SAFETY  
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directed to:

Robert B. Holtsclaw  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-1003 (voice)  
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Health Facilities Planning Procedural Rules

2) Code Citation: 77 Ill. Adm. Code 1130

- 3) Section Numbers: Adopted Action:
- |          |             |
|----------|-------------|
| 1130.110 | Amendment   |
| 1130.120 | Amendment   |
| 1130.130 | Amendment   |
| 1130.140 | Amendment   |
| 1130.210 | Amendment   |
| 1130.220 | Amendment   |
| 1130.310 | Amendment   |
| 1130.410 | Amendment   |
| 1130.510 | Amendment   |
| 1130.520 | Amendment   |
| 1130.540 | Amendment   |
| 1130.541 | New Section |
| 1130.542 | New Section |
| 1130.560 | Amendment   |
| 1130.570 | Amendment   |
| 1130.610 | Amendment   |
| 1130.620 | Amendment   |
| 1130.640 | Amendment   |
| 1130.650 | Amendment   |
| 1130.660 | Amendment   |
| 1130.670 | Amendment   |
| 1130.680 | Amendment   |
| 1130.710 | Amendment   |
| 1130.720 | Amendment   |
| 1130.730 | Amendment   |
| 1130.740 | Amendment   |
| 1130.750 | Amendment   |
- APPENDIX A

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

5) Effective Date of Rulemaking: March 15, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 29, 1998 at 22

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1990; amended at 18 Ill. Reg. 3344, effective February 22, 1994; emergency amendment at 23 Ill. Reg. 21108, effective November 17, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2907-3, effective 11/14/98.

Section 351.2030 Personnel Monitoring

- a) No licensee or registrant shall permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each such individual wears an individual monitoring device provided and evaluated by a qualified dosimetry processor as described in 32 Ill. Adm. Code 340.510(d) either a--film--badge--or--a thermoluminescent--dosimeter--(TLD). Each such device shall be assigned to and worn by only one individual.
- b) Records of individual monitoring results shall be retained in accordance with 32 Ill. Adm. Code 340.1160.

(Source: Amended at 23 Ill. Reg. 2907-3, effective 11/14/98.)



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## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 6834

- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:  
 Section 1130.140, delete proposed definition of "By or on Behalf of a Health Care Facility".  
 Section 1130.140, delete the words "consolidation" and "merger" from the definition of "Change of Ownership".  
 Section 1130.140, delete the proposed "AGENCY NOTE" from the definition of "Change of Ownership".  
 Section 1130.140, add before the period at the end of the definition "(see Section 1130.770 for further information on Project Completion".  
 Section 1130.140, add commas after "projects" and "costs" in the definition of "Completion or Project Completion".  
 Section 1130.140, reinstate the definition of "Consolidation".  
 Section 1130.140, reinstate the definition of "Merger".  
 Section 1130.140, insert a comma after "applicant" in the agency note in the term "Modification".  
 Section 1130.140, in the definition of "Substantially Changes the Scope or Changes the Functional Operation of the Facility", delete "or" and reinstate the period just before the AGENCY NOTE.  
 Section 1130.140, in the definition of "Substantially Changes the Scope or Changes the Functional Operation of the Facility", delete the following proposed language at the end of the definition: "the acquisition, construction, or leasing of space, buildings, or structures for the purpose of providing diagnostic and treatment outpatient services such as, but not limited to, radiology, laboratory, or various therapies on a site or location that is not within the licensed premises of the health care facility.".  
 Section 1130.310(c)(1), delete the following proposed language: "Related components are those undertakings that have been approved by a health care facility's board of directors to be obligated in two consecutive fiscal years and that involve facility expansion or modernization. These components must be grouped into an application for permit. Examples of related components include, but are not limited to, modernization of several ancillary departments, phased renovation of nursing units,

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construction of several free-standing outpatient buildings, or acquisition and renovation of existing buildings. Any facility expansion or modernization components to be undertaken by a related person must also be included in application for permit if these undertakings are to be obligated in two consecutive fiscal years for the same facility. The purchase or acquisition of equipment (other than major medical equipment) is not to be included as a related component provided that such acquisition does not require construction or modernization of the department in which it is located."

Section 1130.310(d)(2)(A), add "or" after the comma.

Section 1130.310(d)(2)(B), add "or" after the comma.

Section 1130.410(b), delete the proposed language.

Section 1130.410(f), delete the proposed language.

Section 1130.510(b)(9)(I), add "and" after the semicolon.

Section 1130.520(a), delete the proposed language.

Section 1130.520(b)(12), add "or for a proprietary hospital" after "facility".

Section 1130.520(b)(13), add "or for a proprietary hospital" after "facility".

Section 1130.520(b)(13), delete the period and add "and".

Section 1130.520(b)(14), insert the following new language:

"(14) if the change of ownership is for a governmental or not-for-profit facility, or for a proprietary hospital, a written response addressing the review criteria of 77 Ill. Adm. Code 110.240. Such response shall be made available for public inspection on the premises of the health care facility at least 10 days prior to the public hearing required by this Section."

Section 1130.520(c)(6), add "or for a proprietary hospital" after "facility".

Section 1130.520(d), add "or for a proprietary hospital" after "facility".

Section 1130.520(d)(6), add:

"6) a statement that the applicant has prepared a written response

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addressing the review criteria contained in 77 Ill. Adm. Code 1130.240 and that the response is available for public review on the premises of the health care facility<sup>1</sup>.

Section 1130.520(d)(7), change "6" to "7".

Section 1130.520(d)(8), change "7" to "8".

Section 1130.610(a)(b), change "the Agency" to "IDPH".

Section 1130.720(c)(6), delete "/drawing".

Section 1130.750(c)(1)(D), change "ten percent" to "10%".

Section 1130.750(c)(2), add a colon after "obligation".

Section 1130. Appendix A, change "latest edition of the" to "57th Annual Edition of the Building Construction Cost Data from the R.S. Means Company, Inc., Kingston, MA".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Agency has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Part 1130 has been amended in the following areas: definitions, transactions subject to or exempt from review, the review and processing of applications for exemption or permit, and permit validity and reporting requirements. These amended rules modify the definition of change of ownership of a health care facility, create a definition for control of a health care facility, and clarify other definitions. Other changes clarify the requirements with respect to who is a necessary person to an application for permit or exemption, clarifies which transactions are subject to certificate of need review, establishes exemptions for certain transactions relating to combined facility licensure and for temporary use of beds in demonstration projects. In addition, changes are adopted with respect to completion and modification requirements, as well as changes in processing of alterations to and obligations of projects.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald Jones  
Address: Health Facilities Planning Board

## HEALTH FACILITIES PLANNING BOARD

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Division of Facilities Development  
525 West Jefferson, 2nd Floor  
Springfield, Illinois 62761

Telephone: 217-782-3516

Fax: 217-785-4308

TTY (for hearing impaired only): 800-547-0466

E-mail: [djones1@idph.state.il.us](mailto:djones1@idph.state.il.us)

The full text of the Adopted Amendments begins on the next page:



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TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD  
SUBCHAPTER b: OTHER BOARD RULES

## PART 1130

## HEALTH FACILITIES PLANNING PROCEDURAL RULES

## SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

## Section

1130.110 Statutory Authority/Applicability

1130.120 Public Hearings

1130.130 Purpose

1130.140 Definitions

1130.150 Incorporated Materials

## SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

## Section

1130.210 Persons Subject to the Act

1130.220 Necessary Parties to the Application for Permit or Exemption

## SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

## Section

1130.310 Transactions Subject to Review

## SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

## Section

1130.410 Transactions Which Are Exempt from Review

## SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

## Section

1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment

1130.520 Requirements for Exemptions Involving the Change in Ownership of a Health Care Facility

1130.530 Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)

1130.540 Requirements for Exemptions Involving ~~involuntary~~ Discontinuation

1130.541 Requirements for Exemptions for Combined Facility Licensure

1130.542 Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs

1130.543 Requirements for Exemptions for Outpatient Diagnostic and Treatment Centers

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1130.550 Agency Processing of an Application for Exemption  
1130.560 State Board Action  
1130.570 Validity of an Exemption

## SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

## Section

1130.610 Duration of the Review Period and Time Frames

1130.620 Consultation, Classification and Completeness Review

1130.630 Agency Actions During the Review Period

1130.640 Extension of the Review Period Prior to Initial State Board Action

1130.650 Modification of an Application

1130.660 Approval of an Application

1130.670 Notice of Intent-to-Deny an Application

1130.680 Denial of an Application

## SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

## Section

1130.710 Validity of Permits

1130.720 Authorization to Obligate and Obligation

1130.730 Extension of the Obligation Period

1130.740 Renewal of a Permit

1130.750 Alteration of a Project for which a Permit Has Been Issued

1130.760 Semi-Annual Progress Reports

1130.770 Project Completion, Final Realized Costs and Cost Overruns

1130.780 Revocation of a Permit

1130.790 Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and the State Board's Rules

## SUBPART H: DECLARATORY RULINGS

## Section

1130.810 Declaratory Rulings

## APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26,

## HEALTH FACILITIES PLANNING BOARD

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1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 Ill. Reg. 2911, effective MAR 15 1998.

## SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

## Section 1130.110 Statutory Authority/Applicability

- a) This Part is promulgated by authority granted to the Illinois Department of Public Health--(Agency)--and--to--the Illinois Health Facilities Planning Board (State Board) under Public Act 78-1156, the Illinois Health Facilities Planning Act as amended (the Act) [20 ILCS 3960] (1111-Rev--Stat--1987--Ch--111--Par--1151--et--seq--).
- b) After May 1, 1990, upon the effective date of this Part, all applications in the review process and all projects for which permits have been issued but which have not been completed shall be subject to the provisions of this Part.

(Source: Amended at 23 Ill. Reg. 2911, effective MAR 15 1998)

## Section 1130.120 Public Hearings

Public hearings on this Part were held in accordance with the provisions of Section 12 of the Act. Copies of the public hearing records are available for inspection at the headquarters of the State Board at 525 535 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 23 Ill. Reg. 2911, effective MAR 15 1998)

## Section 1130.130 Purpose

- a) The purpose of the Health Facilities Planning Act is to establish a procedure designed to reverse the trends of increasing costs of health care resulting from unnecessary construction of health care facilities. This program is established to improve the financial ability of the public to obtain necessary health services, and to establish an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care [20 ILCS 3960/2] (Section 2 of the Act). Decisions regarding proposed new health services and facilities shall be made for reasons having to do with the community health needs in the various parts of the state. The burden of proof on all issues pertaining to an application shall be on the applicant.

- b) The health facilities planning program shall be administered with the

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goal of containing capital investment and the objectives of:

- 1) Promoting development of more effective methods of delivering health care;
- 2) Improving distribution of health care facilities and services and insuring access to needed health care services for the general public;
- 3) Controlling the increase of health care costs;
- 4) Promoting planning for health care services at the facility, regional and state levels;
- 5) Maximizing the use of existing health care facilities and services which represent the least costly and most appropriate levels of care; and
- 6) Minimizing the unnecessary duplication of health care facilities and services.

(Source: Amended 1998 at 23 Ill. Reg. 2911, effective MAR 15 1998)

## Section 1130.140 Definitions

Definitions pertaining to program components can be found in the "Act" and in 77 Ill. Adm. Code 1100 and 1110. Definitions which will assist in the understanding of this Part are presented below.

- a) Acquisition--or--Change--of--Ownership--means--a--change--in--the--person--who has--operational--control--of--an--existing--health--care--facility--Acquisition--or--change--of--ownership--is--indicated--by--
- 1) a--transfer--of--stock--or--assets--resulting--in--a--person--obtaining majority--interest--(i.e.--over--50%)--in--the--licensed--or--certified (if the facility is not subject to licensure) entity within a one year period; or
  - 2) the--issuance--of--a--license--by--the--Agency--to--a--person--different from--the--current--licensee; or
  - 3) the--issuance--of--a--provider--number--to--a--different--person--by certification--agencies--which--administer--Titles--XVIII--and--XIX--of the--Social--Security--Act.
- AGENCY NOTE:--A permit or exemption is required prior to--the acquisition--or--change--of--ownership--of--a--health--care--facility--
- "Alteration" means any revision or change to a project as detailed in the application that occurs after State Board issuance approval of the permit. Components which can be altered include size, number of beds, scope of services to be provided, cost or method of financing. The site of the proposed project or the person(s) who is (are) the permit holder cannot be altered.

- e) "Applicant" means a person(s) as defined in the Illinois Health Facilities Planning Act [20 ILCS 3960/3] who applies for a permit or exemption to construct or modify a health care facility or to acquire



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major medical equipment. See 77 Ill. Adm. Code 1130.220 to determine what parties are necessary for an application.

"Authorization to Obligate" means a permit holder is authorized by the State Board or Illinois Department of Public Health (IDPH) to proceed with the project approved by the State Board, and that the project has been found to be in conformance with the provisions of Section 1130.720. All projects, except no cost projects for discontinuation, are required to obtain an authorization to obligate.

e† "Capital Expenditure" means an expenditure made by or on behalf of a health care facility (as such a facility is defined in the this Act), and which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part, and which exceeds the capital expenditure minimum. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a health care facility Health-Care-Facility which if acquired directly by such facility would be subject to review under the this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3] ~~(Section-3-of-the-Act)~~

e† "Capital Expenditure Minimum" means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation per Section 1130.310.

f† "Certified" or "Certification" means approval for a facility to receive reimbursement under Title XVIII and/or XIX of the Social Security Act (42 U.S.C.A 1395x).

"Change of Ownership" means a change in the person who has operational control of an existing health care facility or a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale, transfer, acquisition, leases, change of sponsorship or other means of transferring control. Examples of change of ownership include:

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a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the health care facility's physical plant and capital assets; or

the issuance of a license by IDPH to a person different from the current licensee; or

for facilities not subject to licensing, the issuance of a provider number to a different person by certification agencies that administer Titles XVII and XIX of the Social Security Act; or

a change in the membership or sponsorship of a not-for-profit corporation or a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period, that controls a health care facility's operations, license, certification (when the facility is not subject to licensing) or physical plant and capital assets; or

a change in the sponsorship or control of the person who is licensed or certified (when the facility is not subject to licensing) to operate, or who owns the physical plant and capital assets of a governmental health care facility; or

any other transaction that results in a person obtaining control of a health care facility's operations or physical plant and capital assets including leases.

g† "Completion" or "Project Completion" means that the project has been brought to a conclusion, and that the State Board has determined that the finished project is or is not in accordance with what the State Board authorized, and that a project completion date has been established by the State Board (see Section 1130.770 for further information on Project Completion).

For projects that have documented compliance with the provisions of the permit as authorized by the State Board, the date of project completion is and:

1† for projects with no cost that are limited to total discontinuation of a facility or of a category of service, the date the last patient is discharged or the date the permit for discontinuation is issued whichever comes later; or

2† for projects with no cost that are limited to a substantial

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change in beds pursuant to Section 1100-220 in licensed long-term care facilities pursuant to 77-111-Adm--Code 1100-220, the date the Agency issues a revised license; or

3) for projects with no cost that are limited to a substantial change in beds pursuant to 77-111-Adm--Code 1100-220 in licensed hospitals or in state-operated facilities, the date the Agency receives a revised physical plant survey or the date of permit issuance which ever is later; or

4) for projects limited to the establishment of a category of service, the date the first patient is treated or the date the Agency receives a report of final realized cost, whichever is later; or

5) for projects limited to the establishment of a health care facility, the date the health care facility is licensed or the date the Agency receives a report of final realized cost, whichever is later; or

6) for projects limited to the acquisition of major medical equipment, the date IDPH receives a report of final realized costs or the date the equipment is utilized to treat the first patient, whichever is later; or

for projects limited to the addition of end-stage renal dialysis stations and for projects, with a cost, that are limited to the addition of beds, the date the first patient is treated or the date IDPH receives a report of final realized cost, whichever is later; or

7) for all other projects including modernization of existing facilities, the date the Agency receives a report of final realized costs; or

8) for projects that the State Board has found not in compliance with the provisions of the permit as authorized by the State Board not in accordance with what the State Board authorized, including projects with cost overruns, the date of project completion is the date established by the State Board determines the project is complete.

h) "Consolidation" means the combination of two or more existing health care facilities into a new health care facility terminating the existence of the existing or original facilities (A + B = C). Consolidation results in the establishment of a health care facility within the meaning of the Act and in the discontinuation of the existing facilities, resulting in termination of license for facilities subject to licensure or the loss of certification for

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facilities not subject to licensure. In example, consolidation becomes reviewable only when a new facility with a new license will be established due to the consolidation. In this case the A and B facilities which consolidate are reviewed for discontinuation and the new licensed facility C is reviewed for establishment. It is this discontinuation and establishment which creates the need for review.

"Control" means a person possesses any of the following discretionary and non-ministerial rights or powers:

the right or power to approve and to remove without cause a controlling portion of the governing body of another person; or  
the right or power to require or approve the use of funds or assets of another person for any purpose; or  
the right or power to approve, amend, or modify the health care facility's by-laws or other rules of governance.

A person may control one or more other person(s). For the purpose of this definition, "governing body" means:

with respect to a corporation having stock, such corporation's board of directors and the owners, directly or indirectly, of more than 50% of the securities (as defined in Section 2(1) of the Securities Act of 1933) of any class or classes, the holders of which are ordinarily, in the absence of contingencies, entitled to elect a majority of the corporation's directors (both of which groups shall be considered a governing body);

with respect to a not for profit corporation not having stock, such corporation's members if the members have complete discretion to elect the corporation's directors, or the corporation's directors if the corporation's members do not have such discretion; and

with respect to any other entity, its governing board or body.

For the purposes of this definition, all references to directors and members shall be deemed to include all persons or entities performing the function of directors or members, however denominated.

A controlling person or entity indirectly controls all persons or entities controlled, or owned directly or indirectly, by any person or entity controlled by such controlling person or entity.

†) "Construction" or "Modification" means the establishment, erection, building, alteration, reconstruction, modernization,



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*improvement, extension, discontinuation, change of ownership of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum. [20 ILCS 3960/3] (Section-3 of-the-Act)*

1) "Discontinuation" means to cease operation of an entire health care facility or category of service. Discontinuation includes a determination by the State Board that:

- 1) a category of service has not been utilized for its intended purpose for a period of twelve months or more; or
- 2) a category of service approved after January 1, 1992 is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, by the end of the second year of operation after project completion and on average for any two-year period thereafter (based upon data reported by the facility to IDPH the-State Agency pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service; or

- 3) an existing category of service is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to IDPH the-State-Agency pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

4) "Due Diligence" means to take such actions toward the completion of a project for which a permit has been granted with that diligence and foresight which persons of ordinary prudence and care commonly exercise under like circumstances. An accidental or unavoidable cause which cannot be avoided by the exercise of due diligence in the meaning of this rule is a cause which reasonable prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

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1) "Establish" or "Establishment" means the construction of a new health care facility, the licensing of unlicensed building(s) or structure(s) as a health care facility, ~~or the replacement of an existing health care facility on another site, or the consolidation of two or more existing facilities into a new facility, or the development, licensing, or certification (if licensing is not applicable) of a category of service.~~

2) "Existing Health Care Facility" means any health care facility or any person or organization that owns or operates a health care facility subject to the Act that ~~which~~:

- 1) has a license issued by IDPH the-Agency and has provided services within the past 12 months, unless the failure to provide such service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH the Agency; or

- 2) is certified under Titles XVIII or XIX of the Social Security Act; or

- 3) is a facility operated by the State of Illinois.

AGENCY NOTE: Projects for which permits have been granted but which are not complete as defined in ~~pursuant to subsection (f) of this Section~~ shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the Inventory of Health Care Facilities maintained by IDPH the-Agency and shall be counted against any applicable need estimate.

"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction, or acquisition.

3) "Final Decision" or "Final Administrative Decision" or "Final Determination" means:

- 1) the decision by the State Board to approve or deny an application for permit. Action taken by the State Board to deny an application for permit is subsequent to an administrative hearing or to the waiver of such hearing; or
- 2) the decision by the State Board on all matters other than the issuance of a permit; or
- 3) The decision is final at the close of business of the State Board meeting at which the action is taken.

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o† "Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles ~~are--those--costs--of construction--modernization--or--equipment that have been incurred to complete a project for which a permit was granted. These costs include all expenditures and the dollar or fair market value of any component of the project whether acquired through lease, donation or gift.~~

p† "Major Construction Project" means:

1† Projects for the construction of new buildings;

2† Additions to existing facilities; and

3† Modernization projects whose cost is in excess of \$1,000,000 or ten percent of the facility's operating revenue, whichever is less. [20 ILCS 3960/5] {Section-5-of-the-Act}

q† "Major Medical Equipment" ~~medical equipment means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 U.S.C.A. 1395x) to meet the requirements of paragraphs (10) and (11) of Section 1861(S) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.~~ [20 ILCS 3906/3] {Section-3-of-the-Act}

r† "Merger" means the absorption of one or more existing health care facility into another existing health care facility. The result of the absorption is that only one facility survives (A + B = B). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

s† "Modification of an Application" or "Modification" 1† Modification--of an--Application--or--Modification means any change to a proposed project during the review period (i.e., prior to final State Board action) which results in changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity when the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, or the configuration of space within the

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building, or any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

2† AGENCY NOTE: A change of in-the-applicant-or-a-change-in site to a site outside the planning area originally identified in the application is are not considered a modification modifications and invalidates, if either-occurs, the application is-void.

t† "Notification of State Board Action" means the transmittal of State Board decisions to the applicant or permit holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

u† "Obligation" means receipt by the Executive Secretary, subsequent to the issuance of an authorization to obligate, of a notarized certification by an officer of the permit holder that attests to documents-verifying one of the following:

1† that--the--project-is-to-be-accomplished-through-the-execution-of binding-enforceable-contract(s);-including-lease--agreements--to-expend--an-amount--exceeding-the-State-Board's-review-thresholds-for-capital--expenditures--or--acquisition--of--major---medical equipment--or--by-an-amount-equal-to-or-greater-than-33-percent-of-the-permit-amount-which-ever-is-less,-and-that-the-permit-holder has-demonstrated--a--financial--commitment--to-fund-the-project--Financial-commitment--can-be-shown-by-a-statement--from-a-financial institution-or-other--lender--indicating--that--funding--will--be provided;-or

2† that the project has no cost and has been completed; or is-to-be done-internally-or-by-permit-holder-and-has--been--authorized--by the--governing-body--through--the--release-of-funds-to-expend-33 percent-or-more-of-the-permit-amount-or-an-amount--exceeding--the capital-expenditure-minimum, whichever-is-less;-or

3† that the permit holder has project-has-no-cost-and-has-been completed-in-accordance-with-subsection-(9)-above- executed those binding enforceable contracts or lease agreements (previously reviewed by IDPH) in an amount that exceeds the capital expenditure or major medical equipment review threshold (as applicable) or that is equal to or greater than 33 percent of the permit amount, whichever is less; affirmed that the financial resources to fund the project are available or committed; and affirmed that the project's cost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what the State Board has approved. Financial commitment or availability of financial resources can be shown by a statement from a financial institution or other lender indicating that funding will be provided; or



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that the project is to be done internally by the permit holder and has been authorized by the governing body through the release of funds to expend 33 percent or more of the permit amount or an amount exceeding the capital expenditure minimum, whichever is less; that the financial resources to fund the project; and that the project's cost, scope, design, square footage, number of beds or stations, etc. (as applicable) are in accord with what the State Board has approved. Financial commitment or availability of financial resources can be shown by a statement from a financial institution or other lender indicating that funding will be provided.

AGENCY NOTE: Prior to signing principal contracts or to otherwise obligating the project, all permit holders, except those with permits for no cost discontinuation projects, are the permit holder--is required to obtain an authorization to obligate pursuant to Section 1130.720. Projects that are contingent upon permit issuance (meaning authorization to obligate and obligation are approved at the time of permit issuance) are not required to receive an authorization to obligate or obligation from the State Board to commence a project.

"Operational" means that a permit holder is providing the service(s) approved by the State Board and, for a new health care facility or a new category of service, licensure or certification has been obtained and residents/patients are utilizing the facility or equipment or receiving service.

vt "Project Commitment Date" means the date the permit holder executes binding enforceable contracts to expend an amount which exceeds the capital expenditure minimum or at least 33 percent of the permit amount, whichever is less. For projects not undertaken by contract, the project commitment date is the date the permit holder's governing body authorizes or releases funds to expend an amount which exceeds the capital expenditure minimum or at least 33 percent or more of the permit amount, whichever is less. If a project has no cost the project commitment date is the date of project completion.

wt "Proposal" or "project" means any proposed construction or modification of a health care facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means any person that:

is at least 50 percent owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50 percent of the health care facility; or owns, directly or indirectly, at least 50 percent of the health

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care facility; or

is otherwise controlled or managed by one or more health care facilities or a person that controls or manages the health care facility; or

otherwise controls or manages the health care facility; or

is otherwise, directly or indirectly, under common management or control with one or more health care facilities.

\*t "Review Period" means the time from the date an application for permit is deemed complete until the State Board renders its final decision.

yt "Site" means the physical location of a proposed project and is identified by address or legal property description.

\*t "Substantially Changes" means the Bed Count bed-count of a Health Care Facility" health---care---facility means construction or modification, including acquisition of equipment, which changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 10 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a two year period. (Section 5 of the Act) The two year period begins on the date when additional beds added to the facility inventory become operational. When a permit is granted which will result in a change in bed capacity, the applicant facility may not add any more beds in those services affected by the permit for two years from the date that such beds become operational without obtaining an additional permit from the State Board. The facility may add beds (as long as the number added does not exceed 10 beds or 10% of the total facility capacity, whichever is less, over the two year period) in the other services not affected by the permit. Each facility will be contacted annually to verify bed inventory. If there is found, through this verification process, an increase in the calculated bed capacity of the facility, IDPH the---State---Agency shall determine the date the two year period begins. The date shall be published in the next available compilation of the Inventory of Health Care Facility and Need Determinations by Planning Area.

AGENCY NOTE: The discontinuation (reduction) of beds requires notice to IDPH the-State-Agency. The effective date of the bed reduction can be no earlier than the date of IDPH's the-State---Agency's receipt of the bed reduction notice. It should also be noted that all proposed capital expenditures (including those which do not substantially change the bed capacity) in excess of the capital expenditure minimum





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- 1) the person who holds the license (or certification if licensing is not applicable) for each facility; and
  - 2) the person who has final control of the person who holds the license (or certification if applicable) for each facility; and
  - 3) any related person who is or will be financially responsible for guaranteeing or making payments on any debt related to the project; and
  - 4) any other person who actively will be involved in the operation or provision of care and who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, building or portions of buildings, structures such as parking garages, etc.
- b) For projects to establish new health care facilities or to change the ownership of one or more existing health care facility(ies), the applicant(s) must be:
- 1) the person who will hold the license (or certification if licensing is not applicable) for each facility; and
  - 2) the person who has final control of the person who will hold the license (or certification if applicable) for each facility; and
  - 3) any related person who is or will be financially responsible for guaranteeing or making payments on any debt related to the project; and
  - 4) any other person who actively will be involved in the operation or provision of care and who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, building or portions of buildings, structures such as parking garages, etc.
- c) For projects to acquire major medical equipment that is not located in a health care facility and that is not being acquired by or on behalf of a health care facility, the applicant must be:
- 1) the person who is acquiring the equipment; and
  - 2) the person who will be responsible for operation of the proposed equipment; and
  - 3) the person(s) who has final control of the person(s) who is acquiring the equipment or the person who will be responsible for operation of the equipment; and
  - 4) any other person who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, buildings or portions of buildings, structures such as parking garages, etc.
- a) Applicants for Permit
- 1) if a project--to--construct--or--modify--an--existing--health--care facility--is--proposed--solely--by--the--person--who--holds--that facility's--license--or--certification;--that--person--must--be--the applicant;
  - 2) if a project--to--construct--or--modify--an--existing--health--care

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- 1) the person who holds the license (or certification if licensing is not applicable) for each facility; and
  - 2) the person who has final control of the person who holds the license (or certification if applicable) for each facility; and
  - 3) any related person who is or will be financially responsible for guaranteeing or making payments on any debt related to the project; and
  - 4) any other person who actively will be involved in the operation or provision of care and who controls the use of equipment or other capital assets that are components of the project, such as, but not limited to, fixed equipment, mobile equipment, building or portions of buildings, structures such as parking garages, etc.
- b) Applicants for Exemption
- 1) in all cases involving an exemption for the acquisition of a major medical equipment, the entity who will be responsible for operation of the proposed equipment must be the applicant for exemption; operational responsibility includes both equipment management and program operation (i.e., patient scheduling, quality control and staff supervision);
  - 2) in the case of a change of ownership exemption for an existing facility, the person who will be licensed by the Agency or certified (if the facility is not subject to licensure) must be the applicant for exemption; in the case of a stock transfer, the entity which will obtain a majority interest in the licensed entity must be the applicant;

(Source: Amended, at 23 Ill. Reg. 2911.23, effective 10/1/84 b 1994)

## SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

## Section 1130.310 Transactions Subject to Review

- a) A permit shall be obtained prior to the establishment, construction or modification of a health care facility unless an exemption has been granted in accordance with the provisions of Subpart D and Subpart E. A transaction that is not exempt from review is subject to review and requires a permit if the transaction which:
  - 1) requires a total capital expenditure in excess of the capital expenditure minimum. In determining the total capital expenditure, all costs (including the fair market value of assets acquired by lease or other means), which under generally accepted accounting principles are not properly chargeable as expenses of operation and maintenance, must be included even if any of such

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costs are not capitalized for reimbursement or other purposes. All capital expenditure minimums (Section 1130.140(d)) shall be annually adjusted to reflect the increase in construction costs due to inflation. On October first of each year, the minimums will be adjusted for inflation. The basis for such adjustment for major medical equipment shall be the latest annual inflation rate as reflected in the Producer's Price Index as calculated in the DRI/McGraw-Hill Health Care Cost Review Costs section on Special Machinery and Equipment (DRI/McGraw-Hill, 1200 G Health Care-Costs, Data-Resources-1750-K Street, N.W., Suite 1000 300, Washington D.C. 20005 20006). The basis for the adjustment to capital expenditures other than major medical equipment shall be the latest annual inflation rate as reflected in the medical construction component of the Means Cost Data (R.S. Means Company Inc., 100 Construction Plaza, P.O. Box 800, Kingston, MA 02364-0800). The revised minimums shall be published as an appendix to this Part; or

- 2) substantially changes the scope or changes the functional operation of the facility by construction or modification or by acquisition of new equipment or alteration of existing equipment and as defined in Section 1130.140(f); or
- 3) results in the establishment of a health care facility as defined in Section 1130.140; or
- 4) changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than ten beds or more than ten percent of total bed capacity as defined by the State Board, whichever is less, over a two year period (pursuant to Section 1130.140 77-111-Adm--Code--220); or
- 5) involves a change of ownership as defined in Section 1130.140 unless an exemption has been granted in accordance with the provisions of Section 1130.520; or
- 6) results in the discontinuation of an entire health care facility or category of service.

b) A permit must be obtained prior to the acquisition of major medical equipment unless an exemption has been granted in accordance with the provisions of Subpart D and Subpart E Section 1130-510.

c) In determining the elements of a transaction or a project subject to review, the following factors apply:

- 1) Components of construction or modification which are interdependent must be grouped into one permit application. Interdependence occurs when components of construction or modification are architecturally and/or programmatically interrelated to the extent that undertaking one or more of the components compels the other components to be undertaken. In addition when components of construction or modification are to be undertaken by means of a single construction contract or are

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to be financed through the issuance of a single debt instrument, such as, but not limited to, a mortgage, bonds, or lease, those components must be grouped into an application for permit. Projects involving acquisition of equipment which are linked with construction for the provision of a service cannot be segmented. A health service linkage exists when all components must be present for a service to be operational, or when financing is obtained at one time for a series of related components. Computer software, for example, cannot be separated from the equipment needed to run the program.

- 2) No health care facility or other person required to obtain a permit shall split what should properly be considered a single capital expenditure into discrete components undertaken during a fiscal year period to evade the capital expenditure review threshold.

- 3) No health care facility or other person required to obtain a permit shall separate portions of a single project into components, including, but not limited to, site, facility, and equipment, to evade the capital expenditure review threshold or other requirements of the Act or State Board rules.

d) Examples of projects that which constitute construction or modification of a health care facility and require a permit include:

- 1) Projects located within a licensed or certified health care facility;
- 2) Projects that which result in a health care facility:
  - A) Billing for services provided by the proposed project, or
  - B) Capitalizing any portion of the proposed project, or
  - C) Receiving reimbursement for services provided by the proposed project, or
  - D) Receiving recognition as the provider of the proposed service by third party payors;
- 3) Projects that which are staffed or operated by the health care facility;
- 4) Projects that which are otherwise of, by, through or on behalf of a health care facility;
- 5) Projects that provide a category of service as defined in 77 Ill. Adm. Code 1100 that are offered or made available on a regular basis to inpatients or outpatients of a health care facility.

e) Existing kidney disease treatment centers (ESRD facilities) that have undertaken projects to add additional ESRD stations prior to March 1, 1995 are not required to obtain a permit for the addition of these stations provided that documentation has been submitted to the State Board that verifies that the project had been committed prior to March 1, 1995. Project commitment means that the facility had executed a binding lease or contract to acquire additional space for the project and that financing of the project had been secured and that an application for certification of the additional stations was submitted to IDPH prior to January 1, 1995. The discontinuation of an entire



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~~health-care-facility-or-category-of-service-requires-a-permit-unless an-exemption-has-been-granted-in-accordance-with-the-provisions-of Section-1130-540.~~

(Source: Amended at 23 Ill. Reg. 2911-1 effective 10/1/83)

## SUBPART D: TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

## Section 1130.410 Transactions Which Are Exempt from Review

The following proposed transactions are not subject to review if an exemption is granted by the State Board:

- a) the acquisition of major medical equipment which will not be owned by, operated in behalf of, or located in a health care facility or be used to provide services to an inpatient of a health care facility.
- b) the change of ownership of an existing health care facility.
- c) the discontinuation of an existing health care facility or of a category of service when that discontinuation is the result of:
  - 1) revocation of or denial of license renewal by a State or local regulatory agency;
  - 2) for facilities not subject to licensure, the loss of certification;
  - 3) discontinuation action taken by the State Board;
  - 4) the voluntary surrender of a suspended license.
- d) the combination of two or more existing health care facilities into a single licensed health care facility, when:
  - 1) the existing facilities are located on the same site or on sites adjacent to one another;
  - 2) the licensed person for the existing facilities is the same;
  - 3) the combination is for the sole purpose of operating the existing facilities under a single license;
  - 4) the combination does not involve any cost, any change in scope of services provided, or any change in bed capacity.
- e) the temporary use of beds within existing health care facilities for purposes other than categories of service as defined in 77 Ill. Adm. Code 1100, provided the following are met:
  - 1) the beds will be utilized to provide services as part of a demonstration program authorized by State or federal law, such as, but not limited to, the supportive living facility demonstration project established under Section 5-5.01a of the Illinois Public Aid Code; and
  - 2) the beds will continue to be inventoried according to their presently approved use; and
  - 3) the temporary use of such beds shall cease upon withdrawal from or completion of the demonstration program; and
  - 4) that if such beds are to be permanently used for purposes other than those inventoried, a permit will be obtained from the State

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Board; and

- 5) that the temporary use of such beds will not be for demonstration models established pursuant to the Alternative Health Care Delivery Act [210 ILCS 3].

(Source: Amended at 23 Ill. Reg. 2911-1 effective 10/1/83)

## SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

## Section 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment

## a) Submission of Application for Exemption

Prior to any person acquiring major medical equipment which will not be owned by or located in a health care facility, the person must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 77 Ill. Adm. Code 1190, and receive approval from the State Board.

## b) Application for Exemption Information

The application for exemption is subject to approval under Section 1130.560 and shall include the following information:

- 1) The name and address of the applicant(s) applicant proposing to acquire the equipment (see Section 1130.220(b));
- 2) Name and address of any person related to the applicant(s);
- 3) Identification of the equipment to be acquired including model number, manufacturer and equipment specifications;
- 4) The address of the premises where the equipment will be installed or used and a description of the premises that includes a gross square footage space allocation for the functions contained therein, such as, but not limited to, diagnostic or treatment areas, administrative space, doctors offices, waiting rooms, etc., and whether any common space is shared or utilized by persons other than the applicant(s);
- 5) Copies of any existing or proposed lease or purchase agreements or a proof of ownership regarding the premises where the equipment will be installed;
- 6) Name and address of the person who owns the premises and whether that person is related to a health care facility or to the applicant(s);
- 7) A signed certification that the equipment will not be used to provide services to inpatients of any health care facility;
- 8) A signed certification that use of the proposed equipment will not result in the inpatient admission of patients to a health care facility following outpatient treatment except in emergency conditions;
- 9) A description of each component of an existing or proposed quality assurance plan for the proposed equipment addressing the

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following:

- A) how regular objective evaluation of all audits and medical care will be performed;
- B) how patient interviews and complaint evaluation will be performed;
- C) infection control measures;
- D) incident reporting;
- E) allied health professional credentialing;
- F) evaluation of external surveys affecting quality of care;
- G) safety committee concerns;
- H) problem resolution; and
- I) confidentiality concerns; and-

10) The cost or fair market value of the equipment plus all capital costs associated with the acquisition, installation, or operation of the equipment, including the construction costs or fair market value of the premises where the equipment will be installed.

AGENCY NOTE: a permit is required for the acquisition of major medical equipment which will be owned by, located in, or utilized to serve inpatients of a health care facility. Equipment acquired by exemption cannot be used to treat patients who are directly admitted into an inpatient unit of a health care facility except in the case of a medical emergency which threatens the life of the patient. A physician licensed to practice medicine in all of its branches must verify that such inpatient admission was caused by a medical emergency.

(Source: Amended at 23 Ill. Reg. 9911, effective 10-1-1990)

### Section 1130.520 Requirements for Exemptions Involving the Change of Ownership of a Health Care Facility

- a) Submission of Application for Exemption  
Prior to any person acquiring or entering into a contract to acquire an existing health care facility, the person must submit an application for exemption to the State Board, submit the required application processing fee and receive approval from the State Board.
- b) Application for Exemption Information  
The application for exemption shall be approved pursuant to Section 1130.560 when the following information is submitted:
  - 1) the name and address of the person proposing to acquire the facility;
  - 2) the name and location of the existing health care facility to be acquired;
  - 3) a signed certification that the categories of service and number of beds as reflected in the Inventory of Health Care Facilities maintained by IDPH the Agency will not substantially change (per definition in Section 1130.140);
  - 4) documents which detail conditions and terms of any lease or

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purchase arrangement;

- 5) financial information, the latest audited financial statements of the applicant and a statement by the applicant specifying the source of funds which will be used to acquire the facility;
- 6) the anticipated acquisition price and the fair market value of the facility being acquired (determination of fair market value is stipulated by Section 1190.40(b));
- 7) proof of publication of the required legal notice of the change of ownership (as required by Section 1130.520(c));
- 8) a statement acknowledging that the change of ownership will void any permits for projects which have not been completed; and
- 9) documentation from the Illinois Secretary of State that the legal entity that is the exemption applicant is registered to conduct business in Illinois and is in good standing;
- 10) certification that the acquisition or purchase agreement has not yet been entered into or executed, or if the acquisition or purchase agreement has been executed it contains a clause stating the transaction is contingent upon receiving approval from the Illinois Health Facilities Planning Board;
- 11) certification that any projects for which permits have been issued have been completed or will be completed or altered prior to the effective date of the change of ownership;
- 12) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, a certified copy of the transcript of the public hearing and copies of all exhibits, documents and other written materials presented at the hearing;
- 13) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, copies of the bylaws for the existing facility and for the applicant; and
- 14) if the change of ownership is for a governmental or not-for-profit facility, or for a proprietary hospital, a written response addressing the review criteria of 77 Ill. Adm. Code 1110.240. Such response shall be made available for public inspection on the premises of the health care facility at least 10 days prior to the public hearing required by this Section.

#### c) Legal Notice Requirements

- Any person requesting an exemption for a change of ownership must publish a legal notice in a newspaper of general circulation in the community in which the facility is located. This legal notice must provide the following:
- 1) the name and address of the facility for which the exemption is sought;
  - 2) the name and address of the applicant entity requesting the exemption;
  - 3) the nature of the transaction (e.g., the purchase, lease, or transfer of stock of the licensed entity);
  - 4) when the entity which will be assuming ownership of the facility



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- e) A permit or exemption cannot be transferred. In the event of a change of ownership an acquisition of a health care facility prior to the completion of an approved project, it is the responsibility of the permit holder to seek State Board approval to alter the permit to reflect only that construction or modification which will be completed at the time ownership of the facility transfers to another person. Failure to obtain an alteration approval will result in the totality of the permit being considered abandoned. Any person requesting an exemption for a change of ownership of a health care facility for which an outstanding permit exists must in the case where a permit has been altered to avoid abandonment, submit documentation in accordance with the provisions of Section 1130.750 to detail as to the scope and costs associated with completing the project as originally proposed. IDPH the Agency shall advise the applicant for exemption if a permit is required under Section 1130.310. A permit is required if the remainder of the project meets the review conditions specified in Section 1130.310.

(Source: Amended at 23 Ill. Reg. 2911.11, effective MAR 15 1999)

Section 1130.540 Requirements for Exemptions Involving Exemptatory Discontinuation

Facilities which have discontinued in accordance with the provisions of Subpart D are not involuntarily discontinued in whole or in part as the result of license revocation or loss of certification are exempt from review upon receipt of evidence of such discontinuation by the State Board and shall not be required to submit an application for exemption or fee. The State Board shall take action to confirm the discontinuation and determine the date of discontinuation and adjust the Inventory of Health Care Facilities accordingly.

(Source: Amended at 23 Ill. Reg. 2911.11, effective MAR 15 1999)

Section 1130.541 Requirements for Exemptions for Combined Facility Licensee

A person proposing to combine two or more existing health care facilities into a single licensed health care facility must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 77 Ill. Adm. Code 1190, and receive approval from the State Board. The application for exemption shall consist of a written notice, notarized and attested to by an authorized representative of the applicant, that contains the following:

- the name and address of the applicant proposing the combination;
- documentation that the requirements of Section 1130.410 pertaining to the transaction will be met;
- proof of publication of a legal notice in a newspaper of general

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- is a wholly owned subsidiary of another corporation, the name and address of the parent firm;
- 5) a statement that all categories of service and beds currently provided will be maintained; and
- 6) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, an announcement of a public hearing containing the information requirements of this Section; and
- 7) a name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

AGENCY NOTE: Professional and trade association publications that are intended to serve a defined population will not be considered a newspaper of general circulation.

- d) Public Hearing Requirements for Governmental or Not-For-Profit Facility Changes of Ownership. The Chairman, acting on behalf of the State Board, shall review applications for exemption for a change of ownership submitted pursuant to this Section and shall approve such applications if the requirements of subsections (b) and (c) of this Section are met.

Any person requesting an exemption for a change of ownership of a governmental or not-for-profit facility or for a proprietary hospital must conduct a public hearing in the community in which the facility is located. The hearing shall be held in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. The applicant shall include in the legal notice required in this Section the following information:

- a statement as to the anticipated benefits of the proposed changes in ownership to the community;
- the anticipated or potential cost savings, if any, that will result for the community and the facility as a result of the change in ownership;
- a description of the mechanism that will be utilized to assure quality control;
- a description of the applicant's organizational structure, including a listing of controlling or subsidiary persons;
- a description of the selection process that the acquiring entity will utilize in selecting the facility's board of directors;
- a statement that the applicant has prepared a written response addressing the review criteria contained in 77 Ill. Adm. Code 110.240 and that the response is available for public review on the premises of the health care facility;
- the location, time, and date of the hearing, which must be no later than 10 days nor more than 30 days after the date of publication of the legal notice; and
- a statement that the hearing is an open public meeting at which time an opportunity will be afforded to all persons wishing to present written or oral comments.

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circulation in the community in which the facilities are located. The notice shall provide the name and address of the applicant and the facilities to be combined, a description of the transaction addressing the applicable requirements of Section 1130.410, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction; and

d) certification that the transaction has not yet been entered into or executed.

(Source: Added at 23 Ill. Reg. 2911, effective MAR 15 1999)

### Section 1130.542 Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs

A person proposing the temporary use of existing beds for purposes other than categories of service currently approved must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 77 Ill. Adm. Code 1190, and receive approval from the State Board. The application for exemption shall consist of a written notice, notarized and attested to by an officer of the person who is the applicant, that contains the following:

- a) certification that the applicant will adhere to and comply with the applicable provisions of Section 1130.410; and
- b) proof of publication of a legal notice in a newspaper of general circulation in the community in which the facility is located. The notice shall provide the name and address of the applicant and of the facility that proposes to participate in the demonstration program, a description of the demonstration program, the number of beds proposed to participate in the demonstration program, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

(Source: Added at 23 Ill. Reg. 2911, effective MAR 15 1999)

### Section 1130.560 State Board Action

- a) The approval of an application for exemption requiring action by the State Board requires eight seven affirmative votes.
- b) Exemption applications for the acquisition of major medical equipment require review and action by the State Board. The Chairman, acting on behalf of the State Board, shall review all other applications for exemption and approve, deny, or refer the applications to the State Board for review and action.

c) The State Board shall evaluate each the application for exemption for acquisition of major medical equipment and any application for exemption referred by the Chairman and either issue an exemption or

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advise the applicant in writing that the application is denied and is not in compliance with exemption requirements and explain the reasons for the denial. The State Board shall approve all applications for exemption if the applicable conditions of this Subpart Section 1130.510 or Section 1130.520 as applicable are met. Exemptions will not be issued for projects that which have failed to meet the applicable requirements of this Subpart Section 1130.510 or Section 1130.520 as applicable. An exemption for a change of ownership shall not be granted for a project to establish a health care facility which has received a permit but which has not been completed.

(Source: Amended at 23 Ill. Reg. 2911, effective MAR 15 1999)

### Section 1130.570 Validity of an Exemption

- a) An exemption for a change of ownership or for acquisition of major medical equipment shall be valid for 12 months from the date of exemption issuance. An exemption transaction for which the exemption was issued must be completed within this 12-month period. The exemption holder must provide documentation that must be received by IDPH on or before notify the State Agency in writing prior to the expiration date of the exemption that verifies the following as applicable as follows:

- 1) for change of ownership, the effective date that the transaction was completed, by providing evidence of the issuance of a new license or certification (if licensing is not applicable), of a stock transfer, of a majority change in voting membership or sponsorship of a not-for-profit corporation, of a transfer of assets, of a merger or consolidation, or of any other means of completion notification to the State Agency specifying the effective date of the ownership change as evidenced by the issuance of a license or certification;
- 2) for stock transfers, documentation showing the effective date of the stock transfer;

- 2) for all other exempted transactions, the date of the issuance of a new license, or the date of approval to participate in a demonstration program, whichever is applicable the acquisition of major medical equipment, documentation showing obligation of the transaction as defined in Section 1130.140.

AGENCY NOTE: Failure to provide the required notification shall subject the exemption holder to the sanctions provided by the Act.

- b) An exemption for a change of ownership of a health care facility shall be invalid if the health care facility ceases to be an existing health care facility as defined in Section 1130.140.

- c) Failure to comply with any conditions and/or certifications required for an exemption shall constitute an unauthorized modification to the exemption and shall subject the person to the penalties provided by



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the Act.

d) Any person failing to obtain an exemption or permit when required shall be subject to the sanctions provided by the Act.

e) An exemption is not transferable or assignable and cannot be bought or sold on its own or as part of any other transaction.

AGENCY NOTE: See Section 1130.520 regarding changes of ownership for facilities with outstanding permits.

(Source: Amended at 23 Ill. Reg. 2911=3 effective  
MAR 15 1999)

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF APPLICATIONS FOR PERMIT

Section 1130.610 Duration of the Review Period and Time Frames

It is the intent of the State Board that all applications for permit are reviewed and acted upon within the shortest practicable time:

a) Emergency Applications  
Emergency applications will be reviewed and acted upon within three days. Initial application may be made orally or in writing or by electronic means to IDPH the Agency. IDPH the Agency, upon receiving the concurrence of the Chairman (or in the absence of the Chairman the Vice-Chairman) that the situation is emergent in nature in accordance with the provisions of 77 Ill. Adm. Code 110.40, is authorized to give oral approval. Any such communications shall be followed by a written application and written approval. This procedure is exempt from the public hearing requirements of the Act [20 ILCS 3960/12] (section 12 of the Act). The written application must identify the applicant and must summarize the nature of the problem the emergency project will correct and the anticipated cost of the project.

b) Substantive and Non-substantive Applications  
All applications other than emergency applications shall be acted upon by the State Board between 60 days and 120 days from the date the application is declared complete by IDPH the Agency, unless the review period is extended by the applicant. All non-substantive applications and any applications involving the addition of beds shall be acted upon by the State Board at the State Board meeting following 60 days from the date the application is declared complete, unless the review period is extended by the applicant.

(Source: Amended at 23 Ill. Reg. 2911=4 effective  
MAR 15 1999)

Section 1130.620 Consultation, Classification and Completeness Review

a) Consultation  
The application must be completed in accordance with the requirements

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of this Part which are applicable to the individual project. An applicant may request consultation with IDPH the Agency regarding completion of the application and the applicability of the requirements of this Part prior to submission of the application.

b) Classification of an Application

1) An application for permit shall be classified as:

- A) Substantive; or
- B) Non-Substantive; or
- C) Emergency.

2) Definitions of each classification are set forth in 77 Ill. Adm. Code 1100.220.

c) Completeness Review

1) Upon receipt of an application for permit, IDPH the Agency shall determine whether the application is complete or incomplete. An application for any project other than one involving the addition of beds shall be deemed complete within ten days after receipt if all of the following have been met:

- A) all review criteria applicable to the individual project (77 Ill. Adm. Code 1110 and 1120) have been addressed;
- B) the required fee (as outlined in 77 Ill. Adm. Code 1190, Permit Application Fees) has been submitted;
- C) six copies of the application including one copy of the application containing original signatures have been submitted;
- D) all semi-annual progress reports on previously approved projects have been submitted;
- E) all required information concerning completion of previously approved projects has been submitted; and
- F) when the project proposed contains major medical equipment, the cost of the equipment to be acquired has been provided;
- G) all persons who are applicants have been identified and have submitted a Certificate of Good Standing or evidence that the persons are authorized to conduct business in Illinois from the Illinois Secretary of State; and
- H) all questionnaires for information or data, such as but not limited to the Annual Hospital or Long-term Care Questionnaire (77 Ill. Adm. Code 1100.50 and 1100.70) or Cancer Registry (77 Ill. Adm. Code 840.110(d) and 840.115(i)), required by IDPH's Office of Epidemiology and Health Systems Development or the State Board, have been submitted in accordance with IDPH's promulgated rules.

2) An application shall be incomplete if any of the elements described in subsection (c)(1) above are not present or if additional information or documentation is required to clarify a response. Failure to address an applicable criterion or to respond that an applicable criterion does not apply to the proposed project shall be a basis for deeming the application incomplete.

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- 3) An application for a project which involves the addition of beds shall be deemed complete on the day of receipt if subsections (b)(7)-(b)(9) and (b)(10) of subsection (c)(1) above are submitted and if received no later than 8:30 a.m. on that day. Applications received after 8:30 a.m. shall be deemed as being received the following business day.
- 4) IDPH the Agency shall notify the applicant in writing, within ten working days, of its decision and in the case of an incomplete application, the reasons therefor.
- 5) If the application is deemed complete, the date of completion shall initiate the review period. If the application is deemed incomplete, the applicant shall be allowed 90 ninety days from the date of receipt of the notification to provide all necessary information to complete the application. Upon receipt of all additional information requested, IDPH the Agency shall again review the application for completeness and shall notify the applicant of its decision within ten working days. If IDPH the Agency finds that the application remains incomplete at the end of the allotted response period, the application shall be declared null and void, and all fees paid forfeited.
- AGENCY NOTE: It is the responsibility of the applicant to assure that IDPH the Agency is in receipt of the additional information within the prescribed time frame.

(Source: Amended at 23 Ill. Reg. 2911, effective MAR 15 1999)

### Section 1130.640 Extension of the Review Period Prior to Initial State Board Action

- a) Requested and Supplemental Information
- 1) IDPH may request information or data during the review period. Information furnished at the request of IDPH the Agency shall not constitute supplemental information. IDPH may extend the review period until the next scheduled State Board meeting to review requested information.
  - 2) Prior to Initial State Board action, the applicant may provide supplemental information or data in support of the project only if such information is for a modification of the application. An applicant may submit supplemental information only once and only prior to Initial State Board action. IDPH the Agency shall review the supplemental material for the modification within 60 days after receipt and extend the review period if necessary and present its findings to the State Board for action at its next scheduled meeting.
  - 3) Any subsequent submissions of additional or other supplemental information (other than that requested by IDPH) by the applicant prior to Initial State Board action will not be considered in the

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review of the project and will be returned to the applicant and will not be included in the project file.

- 4) Written comments from persons parties other than the applicant regarding a proposed project shall not constitute requested or supplemental information. Persons submitting written comments must provide a copy to both IDPH and the applicant at least five business days prior to the State Board meeting where the application will be considered. The applicant shall be afforded an opportunity to address any written comments received that are in opposition to the proposed project at the State Board meeting.
- b) Modification
 

The review period may be extended up to 60 days by IDPH the Agency if the applicant modifies the application prior to initial review by the State Board.
- c) Deferral
 

The applicant may defer one time the initial consideration of a project by the State Board. A deferral extends from the State Board meeting at which the project has been scheduled to the next scheduled State Board meeting. A request for deferral may be made in writing prior to the scheduled State Board meeting or verbally at the State Board meeting.

(Source: Amended at 23 Ill. Reg. 2911, effective MAR 15 1999)

### Section 1130.650 Modification of an Application

- a) Modifications (as defined in Section 1130.140) shall be classified as Type A or Type B. Type A modifications shall be subject to the public hearing requirements of 77 Ill. Adm. Code 1200. If requested, a hearing would occur within the time allocated for IDPH Agency review. Type A modifications consist of any of the following:
- 1) An increase in the number of beds proposed in the project.
  - 2) A change in the site of the project to a new location within the planning area.
  - 3) An increase in the cost of the project exceeding ten percent of the original estimated project cost.
  - 4) A change in the square footage of the project if such change results in an increase in the exterior dimensions of the project.
  - 5) An increase in the categories of service to be provided.
  - 6) A change in the person who is the applicant, including the addition of one or more co-applicants to the application.
- b) All other modifications, including those made by an applicant in conformance with and limited to the comments, recommendations or objections of the State Board, are Type B modifications and are not subject to public hearing.
- c) An applicant can modify a project only twice during the review period. provided, however, notwithstanding anything contained herein to the



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contrary, an applicant may modify a project at any time if such modification is in conformance with and limited to the comments, recommendations or objections of the State Board.

- d) If an applicant modifies an application that is not a modification made in conformance with and limited to the comments, recommendations or objections of the State Board, IDPH the Agency shall have up to 60 days to review the modification and any supplemental information submitted pursuant to the applicable review criteria, hold a public hearing if requested, and submit its findings to the State Board at the next scheduled meeting.

AGENCY NOTE: A change in the applicant or a change in site to a location outside the planning area originally identified in the application is are not considered a modification modifications, and will if either occurs, the application shall be deemed void the application. (See also Section 1130.140(f)(2).)

(Source: Amended at 23 Ill. Reg. 2911, effective

## Section 1130.660 Approval of an Application

The approval of an application and issuance of a permit by the State Board requires eight seven affirmative votes. The State Board shall consider the application and any supplemental information or modification submitted by the applicant, IDPH the Agency report(s), the public hearing testimony, if any, and other information coming before it in making its determination whether to approve the project. The applications are reviewed to determine compliance with review criteria enumerated in 77 Ill. Adm. Code 1110 and 1120 7-1230-01 1249. The failure of a project to meet one or more review criteria, as set forth in 77 Ill. Adm. Code 1110 and 1120 7-1230-01 1249 shall not prohibit the issuance of a permit. A permit is effective on the date of State Board authorization.

(Source: Amended at 23 Ill. Reg. 2911, effective

## Section 1130.670 Notice of Intent-to-Deny an Application

- a) Issuance of Notice of Intent-to-Deny

If an application for permit fails to receive eight seven affirmative votes upon the initial State Board consideration, the applicant shall be issued a Notice of Intent-to-Deny the application for permit. The Notice of Intent-to-Deny shall be sent to the applicant by certified mail and shall afford the applicant an opportunity to appear before the State Board and an opportunity to submit additional information in support of the project.

- b) Applicant's Response

The applicant shall notify the State Board in writing and within ten

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working days after of receipt of the Notice of Intent-to-Deny, whether it intends to:

- 1) appear before the State Board; and/or
- 2) submit additional information.

AGENCY NOTE: It is the responsibility of the applicant to assure that the State Board is in receipt of the response within the ten day prescribed time frame.

- c) Action Following Notice of Intent-to-Deny

- 1) If the applicant waives the right to appear before the State Board or if a written response is not received within ten working days after of receipt of the notice of opportunity to appear, then the application shall be considered withdrawn.

- 2) If the applicant indicates that no additional information will be submitted, the State Board shall take action on the application at its next meeting.

- 3) If the applicant indicates that additional documentation shall be submitted, the applicant shall be afforded a period of 60 days from the date of the State Board's decision of Notice of Intent-to-Deny to submit such material. No material will be accepted by IDPH the Agency after the 60 day period expires. IDPH the Agency shall be allowed up to 60 days following the receipt of all material to review the material and issue a supplemental report. IDPH may request additional information or data during the review of the information submitted by the applicant. IDPH may extend the 60 day review period by no more than an additional 30 days to review the requested information. The project shall be considered at the next regularly scheduled State Board meeting following completion of IDPH the Agency review.

- 4) Written comments submitted to IDPH from persons other than the applicant regarding a proposed project that has received a Notice of Intent-to-Deny shall not be included in the project file. This provision does not apply to public hearing testimony or comments that are received pursuant to a Type A modification.

- d) Deferrals

A project which has received a Notice of Intent-to-Deny and has been scheduled for State Board consideration can be deferred only by the applicant and only until the next scheduled State Board meeting.

(Source: Amended at 23 Ill. Reg. 2911, effective

## Section 1130.680 Denial of an Application

a) If an application for permit fails to receive eight seven affirmative votes upon the second State Board consideration, the applicant shall be issued a denial of the application for permit.

b) If the State Board denies an application for permit, the decision and

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notice of opportunity for administrative hearing (as set forth in 77 Ill. Adm. Code 1180) shall be transmitted to the applicant by certified mail.

- c) At the conclusion of such administrative hearing, or upon default of the applicant, the State Board shall make its final administrative decision, specifying its findings of fact and conclusions of law. The Executive Secretary shall transmit the decision to the applicant by certified mail.

(Source: Amended at 23 Ill. Reg. 2911, effective 4/1/1995)

## SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

## Section 1130.710 Validity of Permits

A permit is effective on the date of State Board authorization.

- a) A permit shall be valid until such time as the project has been completed, provided that obligation of the project occurs within 12 months following issuance of the permit except for "major construction projects" and Master Construction projects, in which case obligation must occur within 18 months unless the obligation period is extended by the State Board (as defined in Section 1130.730); and the project commences and proceeds to completion with due diligence (as defined in Section 1130.140). The obligation period shall be extended for any project for which issuance of a permit has been contested and is in administrative review. The obligation period will be extended by the length of time equal to the number of days from the date a summons was received until the date of final disposition of the suit. Projects, other than Master-Construction projects approved pursuant to a master design permit, under \$25 million must be completed within two years from the project commitment date; projects of \$25 million or more must be completed by the completion date specified in the application or five years from the project commitment date, whichever is earlier. Permits for Master-Construction projects approved pursuant to a master design permit must be completed within the timetable for completion specified in the "Application for Permit." All permits for projects which are not completed in the timeframes specified shall expire for lack of due diligence, unless renewed by the State Board (as defined in Section 1130.740).

- b) A permit is valid only for the defined construction or modification, equipment, site, amount and person(s) named in the application for such permit and shall not be transferable or assignable. A transfer or assignment of a permit includes a change in the person who is the permit holder; a change in the membership or sponsorship of a not-for-profit corporation which is the permit holder; or the transfer, assignment, or other disposition of ten percent or more of the stock or voting rights thereunder of a for-profit corporation

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which is the permit holder.

- c) A permit shall not be bought, sold, nor transferred either on its own or as part of a transaction for a change of ownership of a health care facility or for the acquisition of major medical equipment. When a permit may not be transferred to allow the acquiring entity to complete the project for which the permit was granted. For projects not yet complete, an alteration must be obtained by the permit holder in accordance with the provisions of Section 1130.750. If a change of ownership occurs involving a valid permit which has not been completed the permit shall be considered abandoned by the permit holder.

(Source: Amended at 23 Ill. Reg. 2911, effective 4/1/1995)

## Section 1130.720 Authorization to Obligate and Obligation

- a) Projects for construction, establishment or modification must be obligated (pursuant to Section 1130.140) prior to the expiration date of the permit.

- b) Prior to obligation (for all projects except no cost projects for discontinuation), the permit holder must receive an authorization to obligate the project from IDPH the Agency. Authorization is based on a demonstration by the permit holder of continued compliance with all financial and economic feasibility criteria and that the project is in accord with the representations contained in the application and in compliance with the alteration requirements in Section 1130.750. It is the responsibility of the permit holder to initiate the authorization to obligate process by written notification to IDPH the Agency.

- c) Prior to signing the principal contract (or otherwise obligating the project pursuant to Section 1130.140 by expending an amount equal to or exceeding the review thresholds for capital expenditures or acquisition of major medical equipment or by an amount equal to or greater than 3% of the permit amount, whichever is less, the permit holder shall submit the following for an authorization to obligate request:

- 1) project identification information including permit number and name of permit holder;
- 2) documentation of sufficient financial resources to complete the project as evidenced by a commitment document or a letter of intent to provide financing from a financial institution or other lender indicating that funding will be provided or by certification that the governing body has authorized the release of funds and has reserved sufficient funds to complete the project a statement that sources of financing have not changed or if changed, to what degree and for what reason;
- 3) a revised breakdown of project costs and sources of funds;



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- 4) unsigned copies of all contracts, purchase orders or lease agreements involving the project; and
- 5) a statement which lists the alterations, if any, that are proposed;
- 6) for projects that have approved construction and contingency costs in excess of the capital expenditure minimum, proof that, if the project is subject to architectural review by IDPH (pursuant to licensing requirements), approval of such drawings has been obtained; and
- 7) if no alterations are proposed, certification that the project's scope is in accord with the representations contained in the application.
- d) Projects approved prior to March 1, 1995 which do not exceed ten percent of the originally approved permit amount and which reflect continued compliance with the debt financing limitations, the financial and economic feasibility requirements, and the alteration requirements of the State Board shall be authorized to obligate.
- e) Projects approved subsequent to March 1, 1995 which do not exceed the permit amount and which reflect continued compliance with the debt financing limitations, the financial and economic feasibility requirements, the documentation requirements of this Section and the alteration requirements of the State Board shall be authorized to obligate.
- f) Projects with altered permit amounts, regardless of the permit approval date, or the alteration approval date, which do not exceed the altered permit amount and which reflect continued compliance with debt financing limitations, financial and economic feasibility requirements, the documentation requirements of this Section and the alteration requirements of the State Board shall be authorized to obligate.
- g) Obligation of a project occurs only upon receipt of all documentation required pursuant to Section ~~1130.140~~ 1130.140(t) for project obligation.
- h) Permits for projects which have not been obligated prior to the expiration date of the permit shall be considered expired and the project abandoned.
- i) Failure to comply with the authorization to obligate requirements shall be cause for the State Board to initiate proceedings to revoke the permit and/or seek sanctions provided by the Act.

(Source: Amended at 23 Ill. Reg. 2911.11, effective 10/1/96)

## Section 1130.730 Extension of the Obligation Period

- a) The State Board may grant the permit holder a single extension of time to obligate the project. An extension shall not exceed three months and shall commence on the expiration date of the permit (i.e., 12 or 18 months from the date of State Board approval pursuant to Section

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- 1130.710). Permits not obligated within approved time frames will expire.
- b) In requesting an extension, the permit holder shall describe, in writing, the events which have delayed the project's timely obligation and provide the following documentation:
  - 1) for major construction proposals, evidence that design development drawings have been prepared;
  - 2) for provision of major equipment, evidence that suppliers have been solicited and cost estimates received;
  - 3) for provision of new services, evidence that substantial actions leading to the provision of such services have been accomplished;
  - 4) a revised schedule indicating how obligation will be accomplished within the extension period requested;
  - 5) evidence that approval of loans, issuance of bonds or other necessary means of financing have been approved or can be secured where necessary for project funding per the application;
  - 6) the amount of funds expended to date for the project.
- c) A request for extension shall be made in writing and shall be received by IDPH the State-Agency no later than 45 ~~forty-five~~ days before the permit expiration date. A request for extension which is not submitted in accordance with this time frame above shall not be presented to the State Board for action.
- d) The State Board shall evaluate the information submitted in making its determination whether to grant the extension. Projects which continue to comply with the provisions of 77 Ill. Adm. Code 1110 and 1120 and which have shown good cause by submitting the required information for an extension request specified in subsection (b) of this Section ~~Section-1130.730(t)~~, and that the causes for delays are beyond the permit holder's control, shall be approved for extension. Eight ~~Seven~~ affirmative votes are required for approval of an extension. Denial by the State Board of an extension request shall constitute the final State Board decision and is not subject to administrative appeal.

(Source: Amended at 23 Ill. Reg. 2911.11, effective 10/1/96)

## Section 1130.740 Renewal of a Permit

A project must be completed within the timeframes specified in Section 1130.710(a) unless renewed by the State Board.

- a) Renewal of a permit by the State Board for projects not completed is subject to the following:
  - 1) Projects which have not obtained permit renewals and which were obligated prior to May 1, 1990, must have obtained permit renewals no later than March 26, 1994.
  - 2) Projects which have obtained permit renewals or which were obligated after May 1, 1990, must be completed or obtain permit renewals prior to the required project completion date.

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- b) Failure to complete a project or to renew a permit within the prescribed timeframes shall result in the expiration of the permit for lack of due diligence, and the matter shall not be subject to an administrative hearing under 77 Ill. Adm. Code 1180 and the project shall be considered abandoned.
- c) A permit renewal shall commence on the expiration date of the original or renewed completion period.
- d) The request for permit renewal shall be in writing and shall be received by IDPH the State Agency at least 45 days but no more than 90 days prior to the expiration date of the completion period, and shall include the following information:

- 1) the requested completion date; and
  - 2) a status report on the project detailing what percent has been completed and a summary of project components yet to be finished and the amount of funds expended on the project to date; and
  - 3) a statement as to the reasons why the project has not been completed; and
  - 4) evidence of financial commitment to fund the project; and
  - 5) the anticipated final cost of the project.
- e) The State Board will evaluate the information submitted to determine if the project has proceeded with due diligence (as defined in Section 1130.140). Eight seven affirmative votes are required to approve a renewal. Denial of a permit renewal request shall constitute the State Board's "Notice of Intent to Revoke" a permit and shall be subject to appeal under the provisions of 77 Ill. Adm. Code 1180 (Practice and Procedure in Administrative Hearings).
- AGENCY NOTE: Permit revocation procedures are explained in Section 1130.780.

(Source: Amended at 23 Ill. Reg. 2911, effective 1993-1-13)

## Section 1130.750 Alteration of a Project for which a Permit Has Been Issued

A permit is valid only for the defined construction or modification, equipment, site, amount and person(s) named in the application. Any change to a project subsequent to the State Board's issuance of a permit constitutes an alteration to the project. All alterations are to be reported to the State Board prior to incurring the alteration. Certain alterations require only notice to the State Board; others require notice and approval from the State Board; and others are not allowable and if incurred, invalidate a permit. A permit holder must also report any alterations that have occurred without prior notice to the State Board. A permit holder that has incurred an alteration without providing prior notice is in violation of permit validity requirements of this Section and is subject to the imposition of sanctions or penalties as provided by the Act.

- a) The permit holder shall notify IDPH in writing of any proposed or incurred alterations to a project for which a permit has been issued. The notice shall include a description of the alteration and related

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costs (if any). If the alteration requires State Board approval, the notice must also address all applicable review criteria related to the alteration. In addition, a proposed alteration that requires State Board approval must be received by IDPH at least 45 days prior to the next scheduled State Board meeting.

- b) Alterations that necessitate only notice to the State Board are those alterations that do not require State Board approval and that do not invalidate the permit. The permit holder shall notify the State Agency in writing of any alterations to a project for which a permit has been issued prior to incurring the proposed alteration. The notice shall include a description of the alteration and related costs (if any) as well as information regarding financing for the cost increase (if any).

- c) Proposed or incurred alterations that require notice and approval from the State Board are:

## 1) before project obligation:

- A) a change in the approved number of beds or stations; or
- B) abandonment of an approved category of service; or
- C) any increase in the square footage of the project provided the increase does not exceed the lesser of 5% of the approved gross square footage or 5,000 additional gross square feet (Note: an increase in excess of those allowable by this provision invalidate the permit); or
- D) for projects (other than projects approved pursuant to a master design permit) approved prior to March 1, 1995, an increase in the cost of the project that exceeds 10% of the original approved permit amount; or
- E) for projects approved subsequent to March 1, 1995 including projects approved pursuant to a master design permit, any increase in the cost of the project that exceeds the permit amount; or

- F) any increase to an altered permit amount; or

- G) any increase in the amount of funds to be borrowed; or

- H) any increase in the project costs components (i.e., line item amounts) if such increase is not in compliance with the 77 Ill. Adm. Code 1120 review criteria.

## 2) after project obligation:

- A) a change in the approved number of beds or stations; or
- B) abandonment of an approved category of service; or
- C) any change in the project's design or change in the project's gross square footage unless such change is required or mandated by local, State, or federal building or life safety requirements that were not in effect at the time of project obligation; or
- D) any increase in the amount of funds to be borrowed; or
- E) any increase to the permit amount or to an altered permit amount; or
- F) any increase in the project costs components (i.e., line



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item amounts) if such increase is not in compliance with the 77 Ill. Adm. Code 1120 review criteria.

d) The following alterations are not allowable and if incurred invalidate the permit:

- 1) an increase in the project costs, prior to obligation, that exceeds the lesser of 5% of the permit amount or the capital or major medical equipment minimums; or
- 2) an increase in the project's gross square footage, prior to obligation, that exceeds the lesser of 5% of the project's approved gross square footage or 5,000 additional gross square feet; or
- 3) an increase in the project's gross square footage, subsequent to obligation, unless the increase is required or mandated by local, State or federal building or life safety requirements that were not in effect at the time of project obligation.

b) For alterations which require State Board approval per Section 1130-750(c), a request for alteration must be submitted to the State Agency. The request must contain a description of the proposed alterations, including related costs and financing, and must address all applicable review criteria related to the alteration.

c) The following proposed alterations require approval by the State Board prior to the permit holder incurring the alteration:

- 1) a change in the approved number of beds or stations; or
- 2) abandonment of a category of service approved; or
- 3) an increase in the square footage of the project if such increase is not in compliance with 77 Ill. Adm. Code 1110 and 1130; or
- 4) for projects other than Master Construction projects, approved prior to March 17, 1995, an increase in the cost of the project which exceeds ten percent of the original approved permit amount; or

- 5) for projects approved subsequent to March 17, 1995, and for Master Construction projects regardless of approval date, any increase in the cost of the project which exceeds the permit amount; or
- 6) for projects with altered permit amounts, regardless of permit approval date or alteration approval date, any increase in the altered permit amount; or

- 7) any increase in the amount of funds to be borrowed.

e) Alteration Procedures

- 1) IDPH the State Agency shall review the alteration request for compliance with the review criteria and submit its findings to the State Board. If additional information is needed by IDPH the Agency to perform a review of the request, the permit holder shall be notified.

- 2) A request for alteration reviewed by the State Board is subject to the provisions of 77 Ill. Adm. Code 1110-1210-307 or 1120, which are applicable to the individual project. Any proposed increase to a permit amount that exceeds the State Board's thresholds for capital expenditures can be reviewed as an

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alteration to the project providing that there are no other components to the proposed alteration that, when taken as a separate component, require a permit under the Act. Such components and any other proposed alterations to a project which would, when taken as a separate component, require a permit under the Act, shall not be subject to review under this Section but shall require a new application.

f) Upon approval of a request for alteration, IDPH the Agency shall revise the permit to reflect the alteration and shall adjust all inventories accordingly. If a permit holder reduces the scope or size of the project, the permit amount shall be reduced accordingly.

g) Decisions on requests for alteration shall be transmitted, in writing, to the permit holder by the Executive Secretary.

h) Eight Seven affirmative votes are required for approval of an alteration. The approval or denial of a request for alteration constitutes the State Board's final administrative decision. Approval of an alteration is based on the continued compliance of the project with 77 Ill. Adm. Code 1110 or 1120, as applicable.

i) Any alteration without State Board approval (when required) shall be considered a violation of the Act and shall be subject to the penalties mandated in the Act and in Section 1130.790.

(Source: Amended at 23 Ill. Reg.

23113, effective

MAR 1 1995

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 1130. APPENDIX A Annual Inflation Adjustments to Review Thresholds

## 1. Capital Expenditures (Other than Major Medical Equipment):

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$2,000,000	1.07891	\$2,157,820	October 1, 1991
	1.0935	2,070,000	October 1, 1992
\$2,157,820	1.02717	\$2,216,448	October 1, 1993
2,070,000	1.0935	2,221,750	1994
\$2,216,448	1.06350	\$2,357,193	October 1, 1994
2,221,750	1.0935	2,457,020	March 26, 1995
\$2,357,193	1.02000	\$2,404,337	October 1, 1995
2,457,020	1.0937	2,636,440	March 17, 1995
\$2,404,337	1.02900	\$2,474,063	October 1, 1996
2,636,440	1.0974	2,897,193	October 1, 1997
\$2,474,063	1.03000	\$2,548,285	October 1, 1998
\$2,548,285	1.02400	\$2,609,444	
\$2,609,444	1.02400	\$2,672,071	

## 2. Major Medical Equipment:

Baseline	Inflation Factor	Revised Review Threshold	Effective Date of Revision
\$1,000,000	1.11827	\$1,118,272	October 1, 1991
	1.0920	1,020,000	October 1, 1992
\$1,118,272	1.03600	\$1,158,530	October 1, 1993
1,020,000	1.0949	1,070,000	1994
\$1,158,530	1.02300	\$1,185,176	October 1, 1994
1,070,000	1.09300	1,180,000	March 26, 1995
\$1,185,176	1.02299	\$1,212,422	October 1, 1995
1,180,000	1.09299	1,250,530	March 17, 1995
\$1,212,422	1.02301	\$1,240,318	October 1, 1996
1,250,530	1.0929	1,357,176	October 1, 1997
\$1,240,318	1.02400	\$1,270,086	October 1, 1998
\$1,270,086	1.02100	\$1,296,758	
\$1,296,758	1.02000	\$1,322,693	

## 3. Calculation of Inflation Factors:

Inflation factors, for capital equipment projects represent the percentage increase or decrease in the related health care costs from July 1st of the preceding calendar year to July 1st of the year for which the adjustment is to be made. The capital threshold is adjusted utilizing the annualized data from the report year as compared to the

## HEALTH FACILITIES PLANNING BOARD

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preceding year. A growth in costs of five percent during this twelve-month period would result in an inflation factor of 1.05.

## 4. Source of Data:

The capital expenditure threshold adjustment for all items other than major medical equipment is taken from the 57th Annual Edition of the Building Construction Cost Data from the R.S. Means Company, Inc., Kingston, MA, Hospitals component of Square Footage, Cubic Feet and Percent of Total Costs (item-460) from "Building Construction Cost Data 1990, 40th Annual Edition."

\*The--baseline--threshold--amounts--have--been--adjusted--for--inflation--for--the--period--of--1988--to--1989--the--calculated--adjustment--shown--reflects--the--1989--to--1990--time--period--

(Source: Amended at 23 Ill. Reg. 2911, effective 1/1/94)



## HEALTH FACILITIES PLANNING BOARD

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1) Heading of the Part: Narrative and Planning Policies2) Code Citation: 77 Ill. Adm. Code 11003) Section Numbers: Adopted Action:

1100.60 Amendment  
 1100.70 Amendment  
 1100.220 Amendment  
 1100.510 Amendment  
 1100.520 Amendment  
 1100.560 Amendment  
 1100.570 Amendment  
 1100.580 Amendment  
 1100.590 Amendment  
 1100.630 Amendment  
 1100.660 Amendment  
 1100.661 New Section  
 1100.680 Amendment  
 1100.710 Repeal  
 1100.720 Amendment

4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]5) Effective Date of Rulemaking: March 15, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No

## 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 29, 1998 at 22 Ill. Reg. 913410) Has JCAR issued a Statement of Objections to these amendments? No11) Difference(s) between proposal and final version:

SUBPART D: On Therapeutic Radiology, delete "(Repealed)".

Section 1100.70 after the word "inventories", strike "to the" and delete "Subchapter".

Section 1100.220, reinstate the term "~~therapeutic radiology~~".

## HEALTH FACILITIES PLANNING BOARD

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Section 1100.220, under the term for "Hospital", change "State operated" to "State-operated".

Section 1100.570, under the item "Age Groups:", strike "all" and add "All".

When this rulemaking first appeared in the *Illinois Register*, the repeal of Therapeutic Radiology was proposed (77 Ill. Adm. Code 1100.600). However after receiving comments during the public notice period, the Health Facilities Planning Board decided to retain the administrative rules in this section. As a result, this section is not being repealed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Agency has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Changes to Part 1100 are adopted regarding the data appendices and definitions sections. Additionally, changes are adopted regarding planning area configuration, station and/or bed need methodology, and review criterion in the following categories of service: Acute Mental Illness, Burn Treatment, and Chronic Renal Dialysis. Also, the Health Facilities Planning Board is repealing the Extracorporeal Shockwave Lithotripsy category of service. New provisions and review criterion regarding the Sheltered Care and Intraoperative Magnetic Resonance Imaging Categories of Service are also adopted.

16) Information and questions regarding these adopted amendments shall be directed to:

Donald Jones  
 Health Facilities Planning Board  
 Division of Facilities Development  
 525 West Jefferson, 2nd Floor  
 Springfield, Illinois 62761  
 217-782-3516  
 Fax: 217-785-4308  
 TTY: (for hearing impaired only): 800-547-0466  
 E-mail: djones1@idph.state.il.us

The full text of the Adopted Amendments begins on the next page:

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD

## SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

## PART 1100

## NARRATIVE AND PLANNING POLICIES

## SUBPART A: GENERAL NARRATIVE

## Section

1100.10 Introduction  
 1100.20 Authority  
 1100.30 Purpose  
 1100.40 Health Maintenance Organizations (Repealed)  
 1100.50 Subchapter Organization  
 1100.60 Mandatory Reporting of Data  
 1100.70 Data Appendices  
 1100.80 Institutional Master Plan Hospitals (Repealed)  
 1100.90 Public Hearings

## SUBPART B: GENERAL DEFINITIONS

## Section

1100.210 Introduction  
 1100.220 Definitions

## SUBPART C: PLANNING POLICIES

## Section

1100.310 Need Assessment  
 1100.320 Staffing  
 1100.330 Professional Education  
 1100.340 Public Testimony  
 1100.350 Multi-Institutional Systems  
 1100.360 Modern Facilities  
 1100.370 Occupancy-Utilization Standards  
 1100.380 Systems Planning  
 1100.390 Quality  
 1100.400 Location  
 1100.410 Needed Facilities  
 1100.420 Discontinuation  
 1100.430 Coordination with Other State Agencies

## SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

## Section

1100.510 Introduction, Formula Components and Planning Area Development

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## Policies

1100.520 Medical-Surgical/Pediatric Categories of Service  
 1100.530 Obstetric Category of Service  
 1100.540 Intensive Care Category of Service  
 1100.550 Comprehensive Physical Rehabilitation Category of Service  
 1100.560 Acute Mental Illness Category Categories of Service  
 1100.570 Substance Abuse/Addiction Treatment Category of Service  
 1100.580 Neonatal Intensive Care Category of Service  
 1100.590 Burn Treatment Category of Service  
 1100.600 Therapeutic Radiology Equipment  
 1100.610 Open Heart Surgery Category of Service  
 1100.620 Cardiac Catheterization Services  
 1100.630 Chronic Renal Dialysis Category of Service  
 1100.640 Non-Hospital Based Ambulatory Surgery  
 1100.650 Computer Systems (Repealed)  
 1100.660 General Long-Term Care-Nursing Care Category of Service  
 1100.661 General Long-Term Care-Sheltered Care Category of Service  
 1100.670 Specialized Long-Term Care Categories of Service  
 1100.680 Intraoperative Magnetic Resonance Imaging Category of Service  
 1100.690 High Linear Energy Transfer (L.E.T.)  
 1100.700 Positron Emission Tomographic Scanning (P.E.T.)  
 1100.710 Extracorporeal Shock Wave Lithotripsy (Repealed)  
 1100.720 Selected Organ Transplantation  
 1100.730 Kidney Transplantation  
 1100.740 Subacute Care Hospital Model  
 1100.750 Postsurgical Recovery Care Center Alternative Health Care Model  
 1100.760 Children's Respite Care Center Alternative Health Care Model

## APPENDIX A

Applicable Codes and Standards Utilized in 77 Ill. Adm.  
 Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective



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January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; reclassified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 8, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2060, effective 11/11/1999.

## SUBPART A: GENERAL NARRATIVE

## Section 1100.60 Mandatory Reporting of Data

Sections 13 and 14.1 of the Act require requires all health care facilities operating in Illinois to provide data needed for planning. Section 14.1 provides authority for the State Board to impose fines for failure to provide requested information. In addition, Section 13 of the Act provides the following sanctions for failure to supply requested data:

- a) Health facilities not complying with this requirement shall be reported to the appropriate licensing, accrediting and certifying agencies, both State and Federal.
- b) Health facilities not complying with this requirement shall be reported to the appropriate third-party payors and other payment agencies; State, Federal and private.

(Source: Amended at 23 Ill. Reg. 2060, effective 11/11/1999.)

## Section 1100.70 Data Appendices

The State Board in conjunction with the Illinois Department of Public Health State-Agency publishes data appendices at least once every three years that annually--which include inventories of health care facilities and services. Inventories contain facility capacity, need estimates, utilization and socio-economic information. Throughout the year, inventories to the subchapter (sec 77 Ill. Adm. Code 1110) are up-dated on the 15th day of each month (excluding holidays and weekends). Examples of changes included in the monthly update are: permits issued by the State Board; transactions such as a change of facility name or change in bed total; and declaratory rulings made by the State Board.

(Source: Amended at 23 Ill. Reg. 2060, effective 11/11/1999.)

## SUBPART B: GENERAL DEFINITIONS

## Section 1100.220 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960]

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(111-Rev-Stat-1991-ch-111-1/2-pars-1151-et-seq-).

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes and/or Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"Average Daily Census (ADC)" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay (ALOS)" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Bed Capacity or Existing Bed Capacity" means the number of beds recognized for planning purposes at a facility as determined by the Illinois Department of Public Health.

The bed capacity which is utilized for each category of service identified in the Bed Need Determination Section reflects one of the following:

Measured or Surveyed Bed Capacity -- the number of beds by category of service which could be operated based on the amount of clear and usable floor area allowing:

100 square feet per bed in single-occupancy rooms.

80 square feet per bed in multi-occupancy rooms.

40 square feet per bassinets in pediatric nurseries.

Functional Bed Capacity -- the number of beds by category of service the facility considers appropriate to place in patient rooms taking into account patient care requirements and the ability to perform the regular functions of patient care required for patients for the particular category of service involved.

Licensed Bed Capacity -- the number of beds by category of service recognized and licensed by the Illinois Department of Public Health. (Currently applies only to Long-Term Care

## HEALTH FACILITIES PLANNING BOARD

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## Facilities.)

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, therapeutic radiology, etc. A category of service may include subcategories or levels of care which identify a particular degree or type of care within the category of service.

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Health Service Area (HSA)" means the following geographic areas:

HSA I - Illinois Counties of Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago

Boone-County      DeKalb-County      Stephenson-County  
Carroll-County    Ogle-County      Winnebago-County  
Lee-County       Jo-Daviess-County    Whiteside-County

HSA II - Illinois Counties of Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford

LaSalle-County    Peoria-County      Warren-County  
Putnam-County    Stark-County      Henderson-County  
Marshall-County    Bureau-County    McDonough-County  
Woodford-County    Knox-County  
Tazewell-County    Fulton-County

HSA III - Illinois Counties of Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott

Hancock-County    Jersey-County      Menard-County  
Adams-County      Greene-County      Logan-County  
Pike-County       Scott-County      Sangamon-County  
Brown-County      Morgan-County    Macoupin-County  
Schuyler-County    Cass-County      Christian-County  
Calhoun-County    Mason-County      Montgomery-County

HSA IV - Illinois Counties of Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermilion

## HEALTH FACILITIES PLANNING BOARD

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Champaign-County    Coles-County      Piatt-County  
Vermilion-County    Cumberland-County    McLean-County  
Ford-County          Douglas-County      Livingston-County  
Iroquois-County      Moultrie-County    DeWitt-County  
Edgar-County        Shelby-County  
Clark-County        Macon-County

HSA V - Illinois Counties of Alexander, Bond, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, and Williamson

Bond-County        Edwards-County      Williamson-County  
Payette-County    Wabash-County      Saline-County  
Effingham-County    Washington-County    Gallatin-County  
Jasper-County      Jefferson-County    Union-County  
Crawford-County    Perry-County        Johnson-County  
Clay-County        Randolph-County    Pope-County  
Richland-County    Jackson-County      Hardin-County  
Lawrence-County    Franklin-County      Alexander-County  
Marion-County      Hamilton-County    Pulaski-County  
Wayne-County        White-County        Massac-County

HSA VI - City of Chicago

City-of-Chicago

HSA VII - DuPage County and Suburban Cook County

Suburban-Cook-County    DuPage-County

HSA VIII - Illinois Counties of Kane, Lake, and McHenry

Kane-County        Lake-County      McHenry-County

HSA IX - Illinois Counties of Grundy, Kankakee, Kendall, and Will

Will-County        Grundy-County  
Kendall-County    Kankakee-County

HSA X - Illinois Counties of Henry, Mercer, and Rock Island  
Rock-island-County    Mercer-County      Henry-County

HSA XI - Illinois Counties of Clinton, Madison, Monroe, and St. Clair

Madison-County      Clinton-County  
St.-Clair-County    Monroe-County

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"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act [210 ILCS 45] ~~{Ill.-Rev.-Stat.-1991, ch. 111-1727, pars. 142-142--et--seq--}~~ or a State-operated facility that ~~which~~ is utilized for the prevention, diagnosis and treatment of physical and mental ~~ills~~. For purposes of this Subchapter subchapter, two ~~three~~ basic types of hospitals are recognized:

General Hospital -- a facility which offers an integrated variety of categories of service and which offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital -- a facility which offers, primarily, a special or particular category of service.  
~~Hospitals-operated-or-maintained-by-the-State-of-Illinois-~~

~~"Illinois Department of Public Health" or "Agency" or "IDPH" means the Department of Public Health of the State of Illinois. [20 ILCS 3960/3] {Section-3-of-Act}~~

"Modernization" means modification of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the calculated capacity. It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target" means a minimum utilization level established by ~~IDPH~~ the--Agency for a facility or service reflecting adequate access as well as operational efficiency.

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period.

"Population or Population Projections" means the latest estimates available as determined by ~~IDPH from the--Illinois-Bureau-of-the-Budget for the-current-and/or-projected-number-of-Illinois-residents.~~

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning. ~~Planning areas-by-category-of-service-are-designated-in-the--Appendices--to--77~~

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~~Ill.-Adm.-Code-1110-~~

"Site" means the location of an existing or proposed facility. An existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

~~"State Board" means the Health Facilities Planning Board established by the Act. [20 ILCS 3960/3] {Section-3-of-Act}~~

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas which are staffed to provide all care required for particular service.

"Use Rate" means the ratio of inpatient days per 1,000 population over a 12-month period (Inpatient Days/Population in Thousands = Use Rate).

"Use Rate or Utilization Maximum" means a ceiling placed on an area's use or utilization rate in order to reduce the projected ~~bed~~ need for beds or services. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where historical demand is inflated due to an immigration of patients from other planning areas.

"Use Rate or Utilization Minimum" means a lower limit placed on an area's use or utilization rate in order to inflate the projected ~~bed~~ need for beds or services. Use rate minimums are designed to promote the development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area or by an out migration of area residents to other areas for care.

"Utilization" means patterns or rates of use of a single service or type of service, within a given facility or also in combinations of facilities. Use is expressed in rates per unit of population at risk for a given period.

"Variance" means an exception to computed need based upon criteria or conditions for particular categories of service.

(Source: ~~Amended~~ ~~at~~ ~~23~~ ~~Ill.~~ ~~Reg.~~ ~~2960~~ ~~--~~ ~~effective~~  
~~MAR 1 1996~~)

## SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section 1100-510 Introduction, Formula Components and Planning Area Development Policies



## HEALTH FACILITIES PLANNING BOARD

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## a) Introduction

This Subpart details the specifics of all need equations utilized to evaluate services. Each subsection provides information on: planning areas utilized, how beds are counted, the applicable age group or groups, occupancy targets, subservice classifications included in the equation, use rate minimums and maximums, and the formula for the determination of total-bed need for beds and services. The Appendices to 77 Ill. Adm. Code 1110 contain ~~all applicable~~ formula data including the delineation of planning areas, population and utilization statistics. The Appendices are available from IDPH the Agency at 525 West Jefferson Street in Springfield, Illinois 62761.

## b) Formula Components

Formulas utilized by the State Board in projecting the need for beds and services number-of-needed-beds can be categorized as demand based or incidence based need formulas. Each of these formula types represents a different conceptual outlook and incorporates different data elements as formula variables.

1) Demand Formula for services such as M-S/Pediatrics, Intensive Care, Rehabilitation and General Long-Term Care Categories of Service. Demand equations utilize the concept that what has occurred in the past will occur in the future. The formulas utilize inpatient days of care and population projections as the key data variables. The first formula step is to establish a utilization to population ratio (use rate). This ratio basically says that within a population an average number of inpatient days of care will be generated. This rate is then applied to the projected population estimate for the same area. This states that if the rate of use is constant, a future population can be expected to generate an identifiable number of inpatient days. These projected days are then converted to a daily census (projected days - 365) and multiplied by an occupancy target. The projected day figure can be equated to 100% occupancy of service for which need is projected. The occupancy target is a means of allowing additional beds to be added to an area to insure that sufficient beds exist to handle days when inpatient admissions are exceptionally high. This type of formula is tempered in use by the application of minimum and maximum use rates. These rates are controls and serve to inflate (minimum use rate) or deflate (maximum use rate) the projected bed need. These rates are established when historical patterns of use are influenced by a maldistribution of services. By adding to or subtracting from the number of needed beds, development of new beds and facilities can be influenced to add beds to underserved areas and to restrict bed growth in areas of high bed to population ratios.

2) Incidence Formula for services such as Obstetrics, Acute Mental Illness and Burn Treatment Categories of Service. This type of formula utilizes the incidence level of a disease or a condition within a population to predict need. Utilizing national or State

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rates, the formula predicts the number of planning area residents who will need hospitalization based on the number of people who live in the planning area. Utilizing a standard estimate of how long a patient will be hospitalized, admissions are converted into patient days. As in the demand formulas, days are then converted to an average daily census and an occupancy target applied to obtain area bed need.

## c) Planning Area Development Policies

The State Board recognizes the need to establish planning areas for the purpose of assessing and determining the need for health care facilities, beds, and services. In establishing planning areas the following principles and factors apply:

- 1) For purposes of delineating planning area boundaries and for purposes of calculating population estimates, the smallest geographical areas to be utilized shall be community areas for the city of Chicago and townships for all other areas in the State outside of Chicago.
- 2) Source of patient information shall be the primary basis for the allocation of geographic areas (e.g., townships, community areas, counties) into planning areas. As a general principle, 50% or more of the residents receiving care from facilities or resources located within the planning area should reside within the planning area.

AGENCY NOTE: Source of patient information may only be available on a zip code basis. In such cases, the relationship between zip code boundaries and community area or township boundaries will be approximated for use in establishing planning area boundaries.

- 3) Planning area boundaries should be established taking into consideration the number and type of existing health care facilities and services located within the area, shared and overlapping market areas between or among facilities, and patterns of patient referral to area health care facilities. Planning areas may vary in size in order to insure access within a reasonable travel time.

4) The primary market area for health care facilities located within a planning area should serve a substantial number of residents of the planning area. A primary market area means the geographic location in which 50% or more of a facility's patients/residents reside. The State Board recognizes that certain health care facilities (e.g., tertiary and specialty facilities) may have primary market areas that are not entirely contained within the planning area in which the facility is located.

- 5) Planning area boundaries can also be influenced by the following factors:

- A) natural geographic boundaries;
- B) political boundaries that affect the patterns of services;
- C) transportation patterns and systems;
- D) time and distance required to access service by area

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residents;

- E) affiliations between health care facilities and other health care entities which affect patterns of service;
  - F) trade and economic market patterns that influence the financing of health care services;
  - G) the lack of existing health resources or services in an area;
  - H) referral patterns to obtain tertiary services;
  - I) the impact of reimbursement or managed care programs;
  - J) socio-economic factors such as but not limited to population density, income level, or age characteristics.
- 6) Planning area boundaries may vary by category of service. The State Board recognizes that certain services (e.g., neonatal ICU, open heart surgery, lithotripsy, etc.) may require a large population base in order to assure the provision of quality care and to be cost effective.
- 7) Planning areas for the acute care categories of services of medical-surgical/pediatrics, obstetrics and intensive care must contain a minimum population of 40,000. This population base would be sufficient to support a 100 bed hospital based upon a facility target occupancy of 80% and an inpatient day use rate of 725 days per 1,000 population.
- 8) Planning areas for general long-term service must contain a minimum population of 10,000. This population base would be sufficient to support 100 nursing care beds based upon a rate of 9 beds per 1,000 population (projected 1997 statewide need divided by projected 1997 State population) with a target occupancy of 90%.
- 9) The State Board recognizes that some hospitals, due to location, may provide services to a substantial number of residents from an adjacent planning area. For instance, hospitals located near a planning area boundary may have a primary market area which serves residents in other planning areas. In instances where at least 40% of a facility's inpatient admissions for the medical-surgical/pediatrics, obstetrics and intensive care categories of service are residents of an adjoining planning area, the State Board shall allocate (based upon 1994 patient source data on file with IDPH the State-Agency) a proportionate number of the hospital's beds and inpatient utilization in whole numbers, to the adjoining planning area. For example, ABC Community Hospital, with 200 M-S/Peds, 30 ICU and 20 OB beds, is located in Planning Area A. Patient source data indicates that 43% of its admissions are residents of Planning Area B. Therefore, 86 M-S beds, 13 ICU beds, and 9 OB beds and a corresponding 43% allocation of ABC Community Hospital's admissions and patient days would be allocated to Planning Area B.
- 10) The State Board recognizes that some long-term care facilities

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may have a primary market area that is not contained within the planning area in which the facility is located. Placement in long-term care facilities may be influenced by such factors as, but not limited to: location of next of kin or relatives; seeking services of a specialized nature such as treatment for various diseases or disabilities; or seeking services related to religious, ethnic, or fraternal needs. Because of the significant degree of mobility that is exercised in seeking long term care services, the State Board shall not allocate portions of a facility's beds and services to more than one planning area.

(Source: Amended at 23 Ill. Reg. 2960, effective 04-1-1995)

## Section 1100.520 Medical-Surgical/Pediatric Categories of Service

a) Planning Areas: 40 areas in 6 regions

1) Region A (comprised of HSAs 6, 7, 8, and 9)

A) Planning Area A-1: City of Chicago Community Areas of Uptown, Lincoln Square, North Center, Lakeview, Lincoln Park, Near North Side, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park, Dunning, Montclare, Belmont Cragin, Hermosa, Avondale, Logan Square, O'Hare, and Edgewater.

B) Planning Area A-2: City of Chicago Community Areas of Humboldt Park, West Town, Austin, West Garfield Park, East Garfield Park, Near West Side, North Lawndale, South Lawndale, Lower West Side, Loop, Armour Square, McKinley Park, and Bridgeport.

C) Planning Area A-3: City of Chicago Community Areas of Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Near South Side, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, Garfield Ridge, Archer Heights, Brighton Park, New City, West Elsdon, Gage Park, Clearing, West Lawn, West Englewood, Englewood, Chicago Lawn and Greater Grand Crossing.

D) Planning Area A-4: City of Chicago Community Areas of West Pullman, Riverdale, Hegewisch, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood, and Morgan Park; Cook County Townships of Lemont, Stickney, Worth, Lyons, Palos, Calumet, Thornton, Bremen, Orland, Rich, and Bloom.

E) Planning Area A-5: DuPage County.

F) Planning Area A-6: Cook County Townships of River Forest, Oak Park, Cicero, Berwyn, Riverside, Proviso, Leyden, and Norwood Park.



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- G) Planning Area A-7: Cook County Townships of Maine, Elk Grove, Schaumburg, Palatine and Wheeling.
- H) Planning Area A-8: City of Chicago Community Areas of Rogers Park and West Ridge; Cook County Townships of Northfield, New Trier, Niles, and Evanston.
- I) Planning Area A-9: Lake County.
- J) Planning Area A-10: McHenry County.
- K) Planning Area A-11: Cook County Townships of Barrington and Hanover; Kane County Townships of Hampshire, Rutland, Dundee, Burlington, Plato, Elgin, Virgil, Campton, and St. Charles.
- L) Planning Area A-12: Kendall County; Kane County Townships of Kaneville, Black Berry, Aurora, Big Rock, Sugar Grove, Batavia and Geneva.
- M) Planning Area A-13: Grundy and Will Counties.
- N) Planning Area A-14: Kankakee County.
- 2) Region B (comprised of HSA 1)
- A) Planning Area B-1: Boone and Winnebago Counties; DeKalb County Townships of Franklin, Kingston, and Genoa; Ogle County Townships of Monroe, White Rock, Lynnvile, Scott, Marion, Byron, Rockvale, Leaf River, and Mount Morris.
- B) Planning Area B-2: Jo Daviess and Stephenson Counties; Ogle County Townships of Forreston, Maryland, Lincoln, and Brookville; Carroll County Townships of Washington, Savanna, Woodland, Mount Carroll, Freedom, Salem, Cherry Grove-Shannon, and Rock Creek-Lima.
- C) Planning Area B-3: Whiteside County; Lee County Townships of Palmyra, Nelson, Harmon, Hamilton, Dixon, South Dixon, Marion, East Grove, Nachusa, China, Amboy, May, Ashton, Bradford, Lee Center, and Sublette; Carroll County Townships of York, Fairhaven, Wysox, and Elkhorn Grove; Ogle County Townships of Eagle Point, Buffalo, Pine Creek, Woosung, Grand Detour, Oregon, Nashua, Taylor, Pine Rock, and Lafayette.
- D) Planning Area B-4: Lee County Townships of Reynolds, Alto, Viola, Willow Creek, Brooklyn, and Wyoming; DeKalb County Townships of Paw Paw, Victor, Somonauk, Sandwich, Shabbona, Clinton, Squaw Grove, Milan, Afton, Pierce, Malta, DeKalb, Cortland, Mayfield, South Grove and Sycamore; Ogle County Townships of Flagg and Dement.
- 3) Region C (comprised of HSAs 2 and 10)
- A) Planning Area C-1: Woodford, Peoria, Tazewell, and Marshall Counties; Stark County Townships of Goshen, Toulon, Penn, West Jersey, Valley, and Essex.
- B) Planning Area C-2: LaSalle, Bureau, and Putnam Counties; Stark County Townships of Elmira and Osceola.
- C) Planning Area C-3: Henderson, Warren, and Knox Counties.
- D) Planning Area C-4: McDonough and Fulton Counties.

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- E) Planning Area C-5: Rock Island, Henry, and Mercer Counties
- 4) Region D (comprised of HSA 4)
- A) Planning Area D-1: Champaign, Douglas, and Piatt Counties; Ford County Townships of Lyman, Sullivan, Peach Orchard, Wall, Drummer, Dix, Patton, and Button; Iroquois County Townships of Loda, Pigeon Grove, and Artesia.
- B) Planning Area D-2: Livingston and McLean Counties; Ford County Townships of Rogers, Mona, Pella, and Brenton.
- C) Planning Area D-3: Vermillion County; Iroquois County Townships of Milks Grove, Chebanse, Papineau, Beaverville, Ashkum, Martinton, Beaver, Danforth, Douglas, Iroquois, Crescent, Middleport, Belmont, Concord, Sheldon, Ash Grove, Milford, Stockland, Fountain Creek, Lovejoy, Prairie Green, Onarga, and Ridgeland.
- D) Planning Area D-4: DeWitt, Macon, Moultrie, and Shelby Counties.
- E) Planning Area D-5: Coles, Cumberland, Clark, and Edgar Counties
- 5) Region E (comprised of HSA 3)
- A) Planning Area E-1: Logan, Menard, Mason, Sangamon, Christian and Cass Counties; Brown County Townships of Ripley, Cooperstown, and Versailles; Schuyler County Townships of Littleton, Oakland, Buena Vista, Rushville, Browning, Hickory, Woodstock, Bainbridge, and Frederick.
- B) Planning Area E-2: Macoupin and Montgomery Counties.
- C) Planning Area E-3: Greene, Jersey, and Calhoun Counties.
- D) Planning Area E-4: Pike, Scott, and Morgan Counties.
- E) Planning Area E-5: Adams and Hancock Counties; Schuyler County Townships of Birmingham, Brooklyn, Camden, and Huntsville; Brown County Townships of Pea Ridge, Missouri, Lee, Mount Sterling, Buckhorn, and Elkhorn.
- 6) Region F (comprised of HSAs 5 and 11)
- A) Planning Area F-1: Madison and St. Clair Counties; Monroe County Precincts 2, 3, 4, 5, 7, 10, 11, 14, 16, 17, 18, 19, 21, and 22; Clinton County Townships of Sugar Creek, Looking Glass, Germantown, Breese, St. Rose, Wheatfield, Wade, Sante Fe, Lake, Irishtown, Carlyle, and Clement.
- B) Planning Area F-2: Bond, Fayette, and Effingham Counties; Clay County Townships of Blair, Bible Grove, and Larkinsburg; Jasper County Townships of Grove, North Muddy, South Muddy, Smallwood, Wade, and Crooked Creek.
- C) Planning Area F-3: Crawford, Lawrence, Richland, Wabash, and Edwards Counties; Jasper County Townships of Hunt City, Willow Hill, Ste. Marie, Fox, and Grandville; Clay County Townships of Louisville, Songer, Xenia, Oskaloosa, Hoosier, Harter, Stanford, Pixley, and Clay City; Wayne County Townships of Orchard, Keith, Garden Hill, Berry, Bedford, Lamard, Indian Prairie, Zif, Elm River, Jasper, Mount Erie,



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- Massillon, Leech, Barnhill, and Grover.
- D) Planning Area F-4: Marion, Jefferson, and Washington Counties; Wayne County Townships of Big Mound, Orel, Hickory Hill, Arrington and Four Mile; Clinton County Townships of East Fork, Meridian and Brookside.
- E) Planning Area F-5: Hamilton, White, Gallatin, Hardin, and Saline Counties; Pope County Townships of Eddyville #6 and Golconda #2.
- F) Planning Area F-6: Franklin, Williamson, Johnson, and Massac Counties; Pope County Townships of Jefferson #4, Webster #5, Golconda #1, and Golconda #3.
- G) Planning Area F-7: Randolph, Perry, Jackson, Union, Alexander, and Pulaski Counties; Monroe County Precincts 1, 6, 8, 9, 12, 13, 15, 20 and 23.

b) Age Groups: Medical-Surgical - 15 and over; Pediatrics: 0-14

c) Occupancy Targets:

1) Occupancy Targets for "Modernization".

A) Medical-Surgical	1-25 beds	60%
	26-99 beds	75%
	100-199 beds	85%
	200+ beds	88%

B) Pediatrics	1-30 beds	65%
	31+ beds	75%

2) Occupancy Targets for "Addition of Beds".

A) Medical-Surgical	1-99 beds	80%
	100-199 beds	85%
	200+ beds	90%

B) Pediatrics	1-99 MS beds	80%
	100-199 MS beds	85%
	200+ MS beds	90%

d) Bed Capacity

1) Medical-Surgical bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.

2) Pediatrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room in units of less than 16 beds which are not distinct pediatric units. In pediatric units--one having its own nursing station--the reported functional capacity is utilized.

e) Total Bed Need for Medical-Surgical (M-S) and Pediatrics and the number of additional beds needed are determined by planning area as follows:

1) dividing the three year average of experienced patient days for

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each of three age groups (0-14, 15-64 and 65+) by the base year population for each age group resulting in age specific base use rates;

- 2) multiplying each age specific base use rate by the projected population of the age group to obtain projected patient days;
- 3) adding the projected days of the age groups to obtain total projected patient days;
- 4) subtracting the number of patients entering the planning area for service from the total out-migration to obtain a net patient migration total;\*

AGENCY NOTE: \*Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

- 5) multiplying the net patient migration total by State state average length of stay for service to obtain migration patient days;
- 6) multiplying the migration patient days by .15 (15%) adjustment factor to obtain patient day adjustment;

7) when the area is a: add-patient-day-adjustment-when-area-is-a

A) net out-migration area, adding patient day adjustment to projected patient days; or

B) subtract-patient-day-adjustment-when-area-is-a net in-migration area, subtracting patient day adjustment from projected patient days;

- 8) dividing total migration adjusted patient days by days in year to obtain projected average daily census;
- 9) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need;

10) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 23 Ill. Reg. 2360 effective 1-1-1991)

## Section 1100.560 Acute Mental Illness Category Categories of Service

a) Planning Areas:

- 1) For the Department of Human Services Mental--Health--and Developmental-Disabilities, the State of Illinois;
- 2) For persons other than the Department of Human Services Mental Health--and--Developmental-Disabilities, health service areas except for HSAs Areas--VI, and VII, VIII, and IX, which are further delineated as Planning Areas A-1 through A-14 having the same boundaries as medical-surgical planning areas A-1 through A-14, respectively in the inventory of--Health--Care--Facilities which is compiled by the Department.

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- b) Age Groups: All ages, Children/Adolescents (ages 0-17), Adults (ages 18-and-over)
- c) Occupancy Target: 85%
- d) Bed Capacity: Acute Mental Illness bed capacity for facilities not operated by the Department of Human Services Mental-Health-and-Developmental-Bisabilities is the lesser of measured bed capacity or functional bed capacity per individual room. For facilities operated by the Department of Human Services Mental-Health-and-Developmental-Bisabilities, all mental illness beds are counted as chronic beds. State facilities can provide acute mental illness care but for purposes of review only the service not the beds are recognized as acute.
- e) Total Bed Need Determination for acute mental illness beds not and-the-number-of-additional-beds-needed-for-Acute-Mental-Illness-in-the-private-sector-(i.e., for facilities other than those operated by the Department of Human Services Mental-Health-and-Developmental-Bisabilities) is determined as follows by:
- 1) A bed need of all 4 beds per 1,000 projected population is established in each planning area as the minimum bed need baseline.
  - 2) Calculate a state-facility-bed-usage-per-1,000-population-by-dividing-the-total-number-of-state-beds-utilized-for-Acute-Mental-Illness-(AMI)-service-by-the-state-population-in-thousands.
  - 2)3) Calculate the planning area's experienced use rate by dividing the number of patient days in the base year by the base year population in thousands. Multiply the experienced use rate by the projected population in thousands to obtain estimated patient days. Divide the estimated patient days by 365 to determine the estimated average daily census (ADC). Divide the estimated ADC by .85 (occupancy factor) to obtain an estimated bed need in the Subtract-in-each-planning-area-the-calculated-state-facility-bed-usage-per-1,000-population-from-the-4-per-1,000-population-baseline-to-obtain-an-adjusted-bed-need-rate.
  - 3)4) When the estimated bed need is less than the minimum bed need, the minimum bed need is the projected bed need. When the estimated bed need is greater than the minimum bed need, the estimated bed need is the projected bed need. Estimate-an-AMI-adjustment-factor-by-dividing-private-sector-AMI-admissions-by-the-combined-total-private-sector-AMI-and-Substance-Abuse admissions.
  - 5) Multiply-the-adjusted-bed-need-rate-(step-3)-by-the-AMI-adjustment-factor-(step-4)-to-obtain-a-service-adjusted-bed-need rate.
  - 6) Divide-the-adjusted-bed-need-rate-from-step-5-by-an-occupancy-target-of-.85-(85%) then multiply the occupancy-adjusted-rate-by the-projected-area-population-in-thousands-to-arrive-at-the-initial-bed-need.
  - 7) Adjust-the-planning-area-bed-need-for-migration:

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- A) determine-the-number-of-patients-entering-the-planning-area-and-the-number-of-area-residents-leaving-the-planning-area-for-acute-mental-illness-service?
- B) multiply-the-total-number-of-patients-entering-the-planning-area-by-20-to-obtain-in-migration-days-of-care?
- C) multiply-the-total-number-of-patients-leaving-the-planning-area-by-20-to-obtain-out-migration-days-of-care?
- B) multiply-both-the-in-migration-and-out-migration-days-of-care-totals-by-a-.85-(85%) adjustment-factor?
- B) subtract-the-smaller-adjusted-migration-days-of-care-total-from-the-larger-adjusted-migration-days-of-care-total-to-determine-the-net-patient-day-migration-total-if-the-out-migration-is-larger-the-area-is-a-net-out-migration-area-while-the-reverse-is-true-if-in-migration-days-is-the-larger-figure-?
- AGENCY-NOTE:--\*Patient-migration-adjustment-is-for-a-one-year-period-and-the-base-year-shall-be-the-date-of-the latest-available-patient-origin-data.
- F) divide-the-net-in-or-out-patient-day-migration-total-by-365 to-determine-the-average-daily-census-for-migration?
- G) in-the-case-of-a-net-in-migration-add-the-average-daily census-for-migration-to-the-initial-bed-need-(step-6).--In the-case-of-a-net-out-migration-subtract-the-average-daily census-for-migration-from-the-initial-bed-need-to-obtain-the-calculated-number-of-beds-needed.
- 4)9) Calculate the number of additional beds needed in each area by subtracting the number of existing beds in-private-sector facilities from the projected bed need calculated-number-of-beds-needed.
- f) No bed need formula bed-need for State-operated facilities operated by the Department of Human Services has been developed. It is the responsibility of the applicant to document the need for a project by complying with the Review Criteria contained in 77 Ill. Adm. Code 11107-Subpart-I.
- Agency Note: Changes to Section 1100.560 will become effective on March 15, 1999. This effective date is necessary due to the State Board publishing a revised Inventory of Healthcare Facilities and Services and Need Determinations in accordance with 77 Ill. Adm. Code 1100.70.

(Source: Amended at 23 Ill. Reg. 2960, effective 1/1/1999)

## Section 1100.570 Substance Abuse/Addiction Treatment Category of Service

- a) Planning Areas: Health Service Areas
- b) Age Groups: All ages
- c) Occupancy Target: 90%
- d) Bed Capacity: Substance Abuse/Addiction Treatment bed capacity is the

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lesser of measured bed capacity or functional bed capacity per individual bedroom.

- e) Bed Need Determination-Substance Abuse/Addiction Treatment: No formula bed need for substance abuse has been developed. It is the responsibility of the applicant to document the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code 11107--Subpart-1.

(Source: Amended 2960 at 23 Ill. Reg. 2960, effective 1/1/95)

## Section 1100.580 Neonatal Intensive Care Category of Service

## a) Planning Areas:

HSA	1	HSA's	5 and 11
HSA's	2 and 10	HSA's	6, 7, 8, and 9
HSA's	3 and 4		

- b) Occupancy Targets: 75%  
c) Bed Capacity: Neonatal Intensive Care bed capacity is the reported functional capacity per patient room.

- d) Bed Need Determination-Neonatal Intensive Care:  
No formula bed need for neonatal intensive care beds has been developed. It is the responsibility of the applicant to document the need for the number of neonatal intensive beds proposed by complying with the Review Criteria contained in 77 Ill. Adm. Code 11107--Subpart 1.

(Source: Amended at 23 Ill. Reg. 2960, effective 1/1/95)

## Section 1100.590 Burn Treatment Category of Service

## a) Planning Area Areas: The State of Illinois

HSA	1	HSA's	5-and-11
HSA's	2-and-10	HSA's	6,7,8,9-and-9
HSA's	3-and-4		

- b) Age Groups: All ages  
c) Occupancy Target: 60%  
d) Bed Capacity: Burn treatment bed capacity is the reported functional capacity of the burn unit.

- e) Burn Incidence:  
A standard estimate is that annually one in every 10,000 5-203 persons will have a burn accident requiring hospitalization and treatment in a burn treatment care center/unit. The number of burn victims requiring hospitalization can be determined by calculating the number of annual

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burn admissions within the State by planning-area.  
f) Total Bed Need Determination and the number of additional beds needed for burn treatment care are determined as follows by:

- 1) Calculate calculating the number of expected annual burn treatment patients requiring hospitalization care by dividing the projected planning area population by 10,000 5-203.
- 2) Calculate the calculating projected patient days by multiplying the number of annual burn treatment patients by 13 10 days (average length of stay).
- 3) Calculate the projected calculating average daily census by dividing the projected patient days by 365.
- 4) Calculate calculating the number of burn treatment center/unit beds needed by dividing divide the projected average daily census by .50 80 optimum-occupancy-factor-of-80%.
- 5) Calculate calculating the number of burn treatment beds that which should be added in the planning each area by subtracting the number of beds in existing facilities from the number of beds needed.

Agency Note: Changes to Section 1100.590 will become effective on March 15, 1999. This effective date is necessary due to the State Board publishing a revised Inventory of Healthcare Facilities and Services and Need Determinations in accordance with 77 Ill. Adm. Code 1100.70.

(Source: Amended at 23 Ill. Reg. 2960, effective 1/1/95)

## Section 1100.630 Chronic Renal Dialysis Category of Service

## a) Planning Areas: Health Service Areas

## b) Utilization Standards:

Renal Dialysis Centers or facilities must operate at a minimum of 80 percent utilization rate, assuming three patient shifts per day per renal dialysis station operating six days a week.

## c) Need Determination-Chronic Renal Dialysis:

The chronic renal dialysis or end stage renal disease (ESRD) station need is a five-two-year projection from the base year. The need for additional treatment stations can be estimated utilizing the following methodology:

- 1) Establish a minimum institutional dialysis rate by dividing the total number of institutional dialysis patients in the base year by the State base year population in thousands and multiply the result by .6 (60%) Determine--the--patient--population--receiving dialysis--services--in--the--base--year.
- 2) Determine each planning area's experienced institutional dialysis rate by dividing the number of patients receiving dialysis in the base year by the planning area population in thousands for the base year the number of--new--patients--who--will--need--dialysis services--by--adding--a--net--increase--of--56--new--patients--per--million



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- population-annually.
- 3) Multiply each planning area's projected population in thousands by the greater of the minimum institutional dialysis rate or the experienced institutional dialysis rate for the planning area to determine the estimated number of institutional dialysis patients. Add--the--number--of--patients--currently--in--dialysis--(Step--(1))--to--the--number--of--new--patients--expected--(Step--(2))--to--determine--maximum--projected--population--volume.
  - 4) Multiply the planning area's estimated number of institutional dialysis patients by a factor of 1.33 (estimated five year increase in prevalence) to determine the projected number of institutional dialysis patients in the planning area for the projected year. Adjust--the--maximum--projected--population--volume--by--subtracting--a--10%--annual--attrition--rate--due--to--death--and--successful--transplantation.
  - 5) Multiply the projected number of institutional dialysis patients by 156 to determine the projected number of institutional procedures. Adjust--the--projected--patient--volume--determined--in--Step--(4)--downward--by--subtracting--a--projected--number--of--patients--who--will--receive--home--dialysis--This--projection--is--based--on--the--percentage--of--patients--receiving--home--dialysis--within--the--planning--area--in--the--base--year--when--that--percentage--exceeds--12.4%--When--the--percentage--falls--below--12.4%--a--minimum--percentage--of--12.4%--will--be--applied.
  - 6) Divide the projected number of institutional procedures by 750 to determine the projected number of stations needed for the projected year. Utilizing--the--adjusted--projected--patient--volume--determined--in--Step--(5)--determine--the--total--number--of--estimated--institutional--procedures--per--year--by--multiplying--the--projected--patient--volume--from--Step--(5)--by--an--average--number--of--procedures--per--patient--per--year--(156)--This--utilization--rate--is--based--on--a--3--times--weekly--treatment--schedule.
  - 7) Determine the number of dialysis stations needed by dividing the number of estimated procedures per year (Step--(6)) by a recommended average procedures per year of 750 which is based on an optimal 80% utilization rate.
  - 7) Subtract the number of existing stations from the projected number of needed stations to determine the excess or need for additional stations needed in the area.
- Agency Note: Changes to Section 1100.630 will become effective on March 15, 1999. This effective date is necessary due to the State Board publishing a revised Inventory of Healthcare Facilities and Services and Need Determinations in accordance with 77 Ill. Adm. Code 1100.70.

(Source: Amended at 23 Ill. Reg. 2960 effective March 15, 1999)

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- ("General Long-Term Care" is defined in 77 Ill. Adm. Code 1110.1720(a)).
- a) Planning Areas: 95 areas in 11 HSAs
    - 1) HSA 1: Planning areas are Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago Counties.
    - 2) HSA 2: Planning areas are Bureau/Putnam Counties (combined), Henderson/Warren Counties (combined), Marshall/Stark Counties (combined), Fulton, Knox, LaSalle, McDonough, Peoria, Tazewell, and Woodford Counties.
    - 3) HSA 3: Planning areas are Brown/Schuyler Counties (combined), Calhoun/Pike Counties (combined), Morgan/Scott Counties (combined), Adams, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, and Sangamon Counties.
    - 4) HSA 4: Planning areas are Coles/Cumberland Counties (combined), Champaign, Clark, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Macon, Moultrie, Piatt, Shelby, and Vermilion Counties.
    - 5) HSA 5: Planning areas are Alexander/Pulaski Counties (combined), Edwards/Wabash Counties (combined), Gallatin/Hamilton/Saline Counties (combined), Johnson/Massac Counties (combined), Hardin/Pope Counties (combined), Bond, Clay, Crawford, Effingham, Fayette, Franklin, Jackson, Jasper, Jefferson, Lawrence, Marion, Perry, Randolph, Richland, Union, Washington, Wayne, White, and Williamson Counties.
    - 6) HSA 6: Planning Areas
      - A) 6A: City of Chicago Community Areas Rogers Park, West Ridge, Uptown, Lincoln Squire, Edgewater, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park and Avondale.
      - B) 6B: City of Chicago Community Areas North Center, Lakeview, Lincoln Park, Near North Side, Loop, Logan Square, West Town, Near West Side, Lower West Side, West Garfield Park, East Garfield Park, North Lawndale, South Lawndale, O'Hare, Dunning, Montclare, Belmont Cragin, Hermosa, Humboldt Park, and Austin.
      - C) 6C: City of Chicago Community Areas Near North Side, Armour Square, Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, West Pullman, Riverdale, Hegewisch, Garfield Ridge, Archer Heights, Brighton Park, McKinley Park, Bridgeport, New City, West Elson, Gage Park, Clearing, West Lawn, Chicago Lawn, West Englewood, Englewood, Greater Grand Crossing, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood, and Morgan Park.
  - 7) HSA 7: Planning Areas
    - A) 7A: Cook County Townships of Barrington, Palatine, Wheeling,

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- Hanover, Schaumburg, and Elk Grove.
- B) 7B: Cook County Townships of Northfield, New Trier, Evanston, Niles, and Maine.
- C) 7C: DuPage County.
- D) 7D: Cook County Townships of Norwood Park, Leyden, Proviso, River Forest, Oak Park, Riverside, Berwyn, and Cicero.
- E) 7E: Cook County Townships of Lyons, Lemont, Palos, Orland, Stickney, Worth, Calumet, Bremen, Thornton, Rich, and Bloom.
- 8) HSA 8: Planning areas are Kane, Lake, and McHenry Counties.
- 9) HSA 9: Planning areas are Grundy, Kankakee, Kendall, and Will Counties.
- 10) HSA 10: Planning areas are Henry, Mercer, and Rock Island Counties.
- 11) HSA 11: Planning areas are Clinton, Madison, Monroe, and St. Clair Counties.

b) Age Groups: 0-64, 65-74 and 75 and over

c) Occupancy Targets: Modernization 85%; Additional Beds 90%

d) Need Determination:

1) Bed need for the Nursing in the General Long-Term Care Classification of Facilities is calculated only for the Nursing Category of Service which includes the skilled nursing and/or the intermediate nursing levels of care.

2) No formula bed need for the sheltered care category of service has been developed; it is the responsibility of the applicant to document the number of beds needed in any proposed project by complying with the Review Criteria contained in 77 Ill. Adm. Code 110.661-Subpart 1.

e) Minimum Use Rate:

1) Determine the overall health service area use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days for each age group by the area population for that age group.

2) Establish a minimum use rate for each age group by multiplying the HSA use rate for age group by .6 (60%).

f) Maximum Use Rate:

1) Determine the overall HSA use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days in each age group by the area population for that age group.

2) Establish a maximum use rate for each age group by multiplying the HSA use rate for that age group by 1.6 (160%).

g) Formula or Planned Use Rate:

1) Each planning area's experienced use rate is then calculated for each of the age groups by dividing the total number of patient days attributed to an age group (in all area facilities) by the current planning area population within the same age group (expressed in thousands).

2) The experienced use rates established by planning area, the HSA maximum use rates (by age group) and the HSA minimum use rates (by age group) are multiplied by the projected age group

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populations for the HSA.

3) The results of the "experienced use rate calculations" and the "HSA minimum and maximum use rate calculations" for each age group are compared. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals in each age group. If the experienced use rate exceeds the maximum, the maximum rate for that age group is utilized. If it falls below the minimum, the minimum use rate for that age group is utilized in the need projection.

h) Bed Capacity: Skilled and intermediate and sheltered long-term care bed capacity is the licensed bed capacity for the service.

i) Total Bed Need and the number of additional beds needed for care are determined by:

1) Multiplying the formula or planned use rate for each age group by the planning areas projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;

2) The three age group projections are summed to reflect "total area projected patient days";

3) Dividing the projected patient days by 365 (days) to obtain the projected average daily census;

4) Dividing the projected average daily census by the .9 (90%) occupancy factor to obtain the number of beds needed; and

5) Subtracting the number of existing beds in the area from the number of beds needed to determine additional beds needed or the excess number of beds existing.

(Source: Amended at 23 Ill. Reg. 2960-3, effective 11/15/95)

## Section 110.661 General Long-Term Care-Sheltered Care Category of Service

a) Planning Areas: For purposes of need assessment, the applicant shall identify the planning or geographic service area pursuant to the review criteria requirements of 77 Ill. Adm. Code 110. For inventory purposes, sheltered care facilities and beds shall be inventoried in accordance with the planning areas established for the nursing care category of service in this Part.

b) Age Group: 75 and over.

c) Occupancy Targets: 85% for additional beds and for modernization.

d) Need Determination: No formula or bed need for the sheltered care category of service has been established. The applicant must document that the number of beds to be added or modernized is needed pursuant to the review criteria of 77 Ill. Adm. Code 110.

e) Bed Capacity: Sheltered care capacity is the number of sheltered care beds licensed by the Agency.

(Source: Added at 23 Ill. Reg. 2960-3, effective 11/15/95)

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1) Heading of the Part: Processing, Classification Policies and Review Criteria

2) Code Citation: 77 Ill. Adm. Code 1110

3) Section Numbers: Adopted Action:

- 1110.40 Amendment
- 1110.60 Amendment
- 1110.110 Amendment
- 1110.120 Amendment
- 1110.130 Amendment
- 1110.210 Amendment
- 1110.230 Amendment
- 1110.235 Amendment
- 1110.240 Amendment
- 1110.420 Amendment
- 1110.520 Amendment
- 1110.720 Amendment
- 1110.730 Amendment
- 1110.810 Amendment
- 1110.820 Amendment
- 1110.830 Amendment
- 1110.920 Amendment
- 1110.930 Amendment
- 1110.1010 Amendment
- 1110.1020 Amendment
- 1110.1420 Amendment
- 1110.1430 Amendment
- 1110.1520 Amendment
- 1110.1530 Amendment
- 1110.1540 Amendment
- 1110.1720 Amendment
- 1110.1730 Amendment
- 1110.1820 Amendment
- 1110.1830 Amendment
- 1110.1910 Amendment
- 1110.1920 Amendment
- 1110.1930 Amendment
- 1110.2130 Amendment
- 1110.2210 Repeal
- 1110.2220 Repeal
- 1110.2230 Repeal
- 1110.2320 Amendment
- 1110.2330 Amendment
- 1110.2510 Amendment
- 1110.2610 Amendment
- 1110. Appendix B Amendment

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Section 1100.680 Intraoperative Magnetic Resonance Imaging Category of Service

- a) Planning Area Areas: The State of Illinois Health-Service-Areas-as defined-by-the-Department-of-Health-and-Human-Services--pursuant-to P-5-93-641.
- b) Need Assessment: The State Board has determined that eight Intraoperative Magnetic Resonance Imaging machines are needed in the State One-piece-of-equipment-per-47500-Computerized-Tomographic-scans. (Source: Amended at 23 Ill. Reg. 2960, effective 2960)

Section 1100.710 Extracorporeal Shock Wave Lithotripsy (Repealed)

- a) Planning-Area--The-State-of-Illinois-
- b) Need-Assessment--One-piece-of-kidney-stone-lithotripsy-equipment--for each-57000-potential-candidates-(The-State-Board-has-determined-that-6 pieces--of--kidney--stone-lithotripsy-equipment-are-sufficient-to-meet the-needs-of-the-Illinois-population-)
- c) Need-Assessment--One-piece-of--gallstone--lithotripsy--equipment--is needed-in-the-state. (Source: Repealed at 23 Ill. Reg. 2960, effective 2960)

Section 1100.720 Selected Organ Transplantation

- a) Planning Area - The State of Illinois
- b) Need Determination: No formula need has been developed for this category of service. It is the responsibility of the applicant to document the need for the service by complying with all applicable Review Criteria contained in 77 Ill. Adm. Code 11107-Subpart-1. (Source: Amended at 23 Ill. Reg. 2960, effective 2960)



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- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- 5) Effective Date of Rulemaking: March 15, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 29, 1998 at 22 Ill. Reg. 9163
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:  
 Subpart K title, change "TREATMENT" to "TREATMENT".  
 Subpart L title, delete the term "(Repealed)".  
 Section 1110.40(b), strike out "such as AIDS Related Complex (ARC)".  
 Section 1110.60(c)(2), reinstate text "Section 1110.1130(e) Tumor Registry".  
 Section 1110.130(a)(5), add "and" after the semicolon.  
 Section 1110.230(b)(1), add "[20 ILCS 3960/6]" after the word community.  
 Section 1110.240 in the title, add an underlined comma after "Ownership", reinstate "Mergers" and "Consolidations", and add "and" before the reinstated "Consolidations".  
 Section 1110.240(a), reinstate "mergers, consolidations or" after the word "involving".  
 Section 1110.240(a), strike "change" and add "changes".  
 Section 1110.240(b), add a comma after "Ownership" and reinstate "merger".  
 Section 1110.240(b), reinstate "or consolidation".  
 Title of Subpart K: add "TREATMENT" after "BURN"

When this rulemaking first appeared in the *Illinois Register*, the repeal of Therapeutic Radiology was proposed (77 Ill. Adm. Code 1110.1110, 1110.1120 and 1110.1130). However after receiving comments during the public notice period, the Health Facilities Planning Board decided to retain the administrative rules in these sections. Subsequently, these sections are not being repealed.

Section 1110.1430(h)(3), reinstate "subsection (c) of".  
 Section 1110.1430(i)(1), add "and" after the semicolon.  
 Section 1110.1530, strike "surgery" and add "surgical".  
 Section 1110.1540(c)(1)(c), add "and" after the semicolon.

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Section 1110.1540(f)(4)(B), add "subsection (d) or" after "of".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Agency has made all the changes to which it agreed with the Joint Committee.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Changes to Part 1110 are adopted in the following areas: non-substantive review criterion, discontinuation of services and/or health care facilities, general review criterion, and changes of ownership review criterion. Additionally, changes are adopted regarding planning area configuration, station and/or bed need methodology, and review criteria in the following categories of service: Acute Mental Illness, Burn Treatment, and Chronic Renal Dialysis. New provisions and review criterion are adopted for the Non-Hospital Based Ambulatory Surgery, General Long-Term Care and Intraoperative Magnetic Resonance Imaging Categories of Service. Also, the Extracorporeal Shockwave Lithotripsy category of service is repealed.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald Jones  
 Address: Health Facilities Planning Board  
 Division of Facilities Development  
 525 West Jefferson, 2nd Floor  
 Springfield, Illinois 62761  
 Telephone: 217-782-3516  
 Fax: 217-785-4308  
 TTY (for hearing impaired only): 800-547-0466  
 E-mail: [djones@idph.state.il.us](mailto:djones@idph.state.il.us)

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section  
1110.10 Introduction to Part 1110  
1110.20 Projects Required to Obtain a Permit (Repealed)  
1110.30 Processing and Reviewing Applications  
1110.40 Classification of Projects  
1110.50 Recognition of Services Which Existed Prior to Permit Requirements  
1110.55 Recognition of Non-Hospital Based Ambulatory Surgery Category of Service  
1110.60 Master Design Projects

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section  
1110.110 Introduction  
1110.120 Discontinuation--Definition  
1110.130 Discontinuation--Review Criteria

SUBPART C: GENERAL, MASTER DESIGN, AND CHANGES OF OWNERSHIP REVIEW CRITERIA

APPLICABLE TO ALL PROJECTS OTHER THAN DISCONTINUATION

Section  
1110.210 Introduction  
1110.220 Definitions--General Review Criteria  
1110.230 General Review Criteria  
1110.235 Additional General Review Criteria for Master Design and Related Projects Only  
1110.240 Changes of Ownership Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE IN BED CAPACITY

Section  
1110.310 Introduction  
1110.320 Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

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Section  
1110.410 Introduction  
1110.420 Modernization Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section  
1110.510 Introduction  
1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Definitions  
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--COMPREHENSIVE PHYSICAL REHABILITATION

Section  
1110.610 Introduction  
1110.620 Comprehensive Physical Rehabilitation--Definitions  
1110.630 Comprehensive Physical Rehabilitation--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE MENTAL ILLNESS

Section  
1110.710 Introduction  
1110.720 Acute Mental Illness--Definitions  
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW s; ABUSE/ADDICTION TREATMENT

Section  
1110.810 Introduction  
1110.820 Substance Abuse/Addiction Treatment--Definitions  
1110.830 Substance Abuse/Addiction Treatment--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--NEONATAL INTENSIVE CARE

Section  
1110.910 Introduction  
1110.920 Neonatal Intensive Care--Definitions  
1110.930 Neonatal Intensive Care--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section

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1110.1010 Introduction  
 1110.1020 Burn Treatment--Definitions  
 1110.1030 Burn Treatment--Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--  
 THERAPEUTIC RADIOLOGY

Section  
 1110.1110 Introduction  
 1110.1120 Therapeutic Radiology--Definitions  
 1110.1130 Therapeutic Radiology--Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--  
 OPEN HEART SURGERY

Section  
 1110.1210 Introduction  
 1110.1220 Open Heart Surgery--Definitions  
 1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC  
 CATHETERIZATION

Section  
 1110.1310 Introduction  
 1110.1320 Cardiac Catheterization--Definitions  
 1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS

Section  
 1110.1410 Introduction  
 1110.1420 Chronic Renal Dialysis--Definitions  
 1110.1430 Chronic Renal Dialysis--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL  
 BASED AMBULATORY SURGERY

Section  
 1110.1510 Introduction  
 1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions  
 1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This Part  
 1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

Section

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 1110.1620 Computer Systems--Definitions (Repealed)  
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AUTHORITY: Implementing and authorized by the Illinois Health Facilities  
 Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October 27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective March 22, 1996; amended at 20 Ill. Reg. 14785, effective November 15, 1996; amended at 23 Ill. Reg. 14785, effective 11/15/96.

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section 1110.40 Classification of Projects

When an application for permit has been received by the State Board, the Executive Secretary shall classify the project into one of the following classifications:

a) Emergency Classification



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Administration and volunteer offices

Section 1110.230(c) and (e); ~~and--(g)~~ and Part 1120

**Giftshops-and-newsstands**

~~Part--1120~~

~~Auditoriums--student---housing--and classrooms~~

~~Part--1120~~

Modernization of structural components (roof replacement, ~~housing--and--classrooms~~, masonry work, etc.)

Section 1110.230(c) (g) and (e); Subpart E of Part 1110; and Part 1120

Boiler repair or replacement (does not include boiler plant)

Section 1110.230(c) and (e) ~~and--(g)~~; Section 1110.420(b); and Part 1120

Replacement of equipment with comparable equipment to be utilized for a similar purpose

Section 1110.230(c) and (e) ~~and--(g)~~; Section 1110.420(b); and Part 1120

Medical office buildings, fitness centers, and other non-inpatient space

Section 1110.230(c), (d) and (e); and Part 1120

**Loading-decks**

~~Part--1120~~

Capitalized projects which are considered basically maintenance such as carpeting, tile replacement or furniture purchase

Section 1110.230(e)(g); Section 1110.420(b); and Part 1120

**Emergency-transportation-equipment**

~~Part--1120~~

**Air-conditioning**

~~Part--1120~~

Bridges, tunnels, walkways, elevators or other ~~any~~ structures ~~structure~~ designed to provide access between or through existing buildings; chapels; educational facilities including auditoriums, classrooms, student housing; emergency transportation equipment; gift shops, news stands and other

Part 1120

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retail space; mechanical systems for heating, ventilation and air conditioning; loading docks; telephone systems

c) Substantive Review Classification. All projects that do not include components specified in subsection (b) shall be subject to review and shall be classified substantive unless they are found to be emergency projects as delineated in subsection (a) above.

d) Classification of projects with both non-substantive and substantive components. Projects which include both substantive and non-substantive components shall be classified as substantive.

e) Classification Appeal. Appeal of any classification may be made to the State Board at the next scheduled State Board meeting.

(Source: Amended at 23 Ill. Reg. 2987, effective 1/1/89)

**Section 1110.60 Master Design Projects****a) Definition**

Master Design Project means a proposed project solely for the planning and/or design costs associated with an institutional master plan or with one or more future construction or modification projects. Project costs include: preplanning costs, site survey and soil investigation costs, architects fees, consultant fees and other fees related to planning or design. The master design project is for planning and design only and shall not contain any construction elements.

**b) Review Coverage**

Master design projects shall be classified as substantive. Such projects shall be reviewed to determine the financial and economic feasibility of the master design project itself, the need for the proposed master plan or for the future construction or modification project(s), and the financial and economic feasibility of the proposed master plan or of the future construction or modification project(s). Findings concerning the need for beds and services and financial feasibility made during the review of the master design project are applicable only for the master design project. Approval by the State Board of a master design project does not obligate approval or positive findings on future construction or modification projects implementing the design. Future applications including those involving the replacement or addition of beds are subject to the review criteria and bed need in effect at the time of State Board review.

**c) Applicable Review Standards**

1) The estimated project costs of a master design project shall be subject to review only under the applicable review criteria of 77



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111. Adm. Code 1120.
- 2) The master plan or the future construction or modification project(s) proposed pursuant to the master design project shall be subject to the applicable review criteria of 77 Ill. Adm. Code 1120 and the following review criteria found in this Part:
- Section 1110.230(a) Location
- Section 1110.230(b)(1)(d) Background of Applicant
- Section 1110.230(c)(1)(e) Alternatives to the Proposed Project
- Section 1110.230(d) Medical-Education
- Section 1110.235(a) System-Impact Additional General Review Criteria for Master Design and Related Projects Only
- Section 1110.320(a) Establishment of Additional Hospitals
- Section 1110.320(b) Allocation of Additional Beds
- Section 1110.420(b) Modern Facilities
- Section 1110.530(a) Unit Size
- Section 1110.630(a) Facility Size
- Section 1110.730(a) Unit Size
- Section 1110.830(b) Establishment or Addition of Substance Abuse/Addiction Treatment Beds
- Section 1110.930(b)(1)(e) Letter of Agreement
- Section 1110.1030(b) Unit Size
- Section 1110.1130(e) Tumor Registry
- Section 1110.1230(b) Establishment of Open Heart Surgery
- Section 1110.1330(b) Establishment or Expansion of Cardiac Catheterization Service
- Section 1110.1330(d) Modernization of Existing Cardiac Catheterization Equipment
- Section 1110.1430(b) Minimum Size of Renal Dialysis Center or Renal Dialysis Facilities
- Section 1110.1730(a) Facility Size
- Section 1110.1730(c) Zoning
- Section 1110.1830(a) Facility Size
- Section 1110.1830(d)(1)(e) Recommendation from the State Department Agencies
- Section 1110.1830(f)(1)(e) Zoning
- Section 1110.1930(f) Multi-institutional Systems
- Section 1110.2030(a) Initial Introduction
- Section 1110.2130(d) Location
- Section 1110.2330(a) Establishment of a Program
- 3) The applicant must document that all beds and services to be developed pursuant to the master design project must be needed and that access to each service will be improved as a result of the proposed master plan or the construction or modification project(s). The applicant must indicate an anticipated completion date for the future construction or modification projects and document that:
- A) the proposed number of beds and services to be developed pursuant to the master design project must be consistent

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- with the bed or service need determination of 77 Ill. Adm. Code 1109, or
- B) if a bed or service need determination does not support the proposed number of beds and services that there are existing factors which support the need for such development as the time of project completion. Such factors include but are not limited to:
- i) limitations on governmental funded or charity patients that are expected to continue;
  - ii) restrictive admission policies of existing planning area health care facilities that are expected to continue;
  - iii) the planning area population is projected to exhibit indicators of medical care problems such as average family income below poverty levels or projected high infant mortality and
- C) Utilization of the proposed beds and services will meet or exceed the utilization targets established in 77 Ill. Adm. Code 1109 within two years after completion of the future construction or modification project(s). Documentation shall include:
- i) historical service/bed utilization levels;
  - ii) projected trends in utilization including the rationale and projection assumptions used in such projections;
  - iii) anticipated market factors such as referral patterns or changes in population characteristics (age, density, wellness) which would support utilization projections; and
  - iv) anticipated changes in the delivery of the service due to changes in technology, care delivery techniques or physician availability which would support the projected utilization levels.

(Source: Amended at 23 Ill. Reg. 2987, effective 11/1/99)

## SUBPART B: REVIEW CRITERIA--DISCONTINUATION

## Section 1110.110 Introduction

When discontinuation as defined in Section 1110.120 is proposed, an application for permit is required. It is the intent of the State Board that all applications for permit for discontinuation be processed promptly by all reviewing agencies. The review shall include opportunity for a public hearing.

(Source: Amended at 23 Ill. Reg. 2987, effective 11/1/99)

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## Section 1110.120 Discontinuation--Definition

"Discontinuation" means to a cease operation of an entire health care facility or to cease operation of a category of service and is further defined in 77 Ill. Adm. Code 1130. ~~Partial-or-phased-closure-shall-be deemed "discontinuation" if it meets the definition of "substantially changes--the-bed-count-as-defined-in-Section-1100-220-(4)Substantially changes--The-Bed-Count--Of--A-Health-Care-Facility",--and--the requirements-of-Section-1110-130-will-apply--it-should-be-noted, however, that daily-or-seasonal-fluctuations-in-bed-complement-do-not require-an-application-for-permit-for-"discontinuation".~~

(Source: Amended at 23 Ill. Reg. 2987, effective 10/1/99)

## Section 1110.130 Discontinuation--Review Criteria

a) The applicant must provide the following:

- 1) the reasons for the discontinuation;
- 2) the anticipated or actual date of discontinuation or the date the last person was or will be discharged or treated, as applicable;
- 3) the availability of other services or facilities in the planning area that are available and willing to assume the applicant's workload without conditions, limitations, or discrimination;
- 4) a closure plan indicating the process used to provide alternative services or facilities for the patients prior to or upon discontinuation; and
- 5) the anticipated use of the physical plant and equipment after discontinuation has occurred and the anticipated date of such use.

~~The-State-Board-will-approve-a-discontinuation-project-only-if--the proposed-discontinuation-will-not-have-an-adverse-effect-on-the-health needs--of--the-area--in--the-determination--of-what-constitutes-an adverse-effect--the-State-Board-will--take--into-consideration--the recommendations-of-the-area-wide-health-planning-organization-reflected in--its-Health-Systems-Plan-and-Annual-Implementation-Plan-in-addition to-the-adopted-Rules-of-the-State-Board.~~

b) Each application for discontinuation will be analyzed to determine:

- 1) that the stated reasons for the proposed discontinuation are valid and are of such a nature to warrant discontinuation;
- 2) that the discontinuation project will not adversely affect the services needed by the planning area community as calculated in the appropriate Appendix of this Subchapter;
- 3) that the discontinuation project will not have an adverse affect on the health delivery system by creating demand for services which cannot be met by existing area facilities;
- 4) that the discontinuation project is in the public interest and would not cause planning area residents unnecessary hardship by

the limitation of access to needed services including the effect of the proposed discontinuation on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, the elderly and other underserved groups to obtain needed health care;

- 5) that (in every project for discontinuation except the discontinuation of a total health care facility) the anticipated use to which the physical plant and equipment will be put once the discontinuation takes place and the date such action will occur is appropriate.

(Source: Amended at 23 Ill. Reg. 2987, effective 10/1/99)

SUBPART C: GENERAL, MASTER DESIGN, AND CHANGES OF OWNERSHIP REVIEW  
CRITERIA APPLICABLE TO ALL  
PROJECTS-OTHER-THAN-DISCONTINUATION

## Section 1110.210 Introduction

This Subpart C contains all General, Master Design, and Changes of Ownership Review Criteria that apply in total or in part to all projects except discontinuation and certain non-substantive projects ~~other than those applying to discontinuation projects--these criteria apply to all projects.~~

(Source: Amended at 23 Ill. Reg. 2987, effective 10/1/99)

## Section 1110.230 General Review Criteria

a) Location--Review Criterion

An applicant who proposes to establish a new health care facility or a new category of service or who proposes to acquire major medical equipment that is not located in a health care facility and that is not being acquired by or on behalf of a health care facility must document the following:

- 1) ~~The--applicant--must--document~~ that the primary purpose of the proposed project will be to provide care to the residents of the planning area in which the proposed project will be physically located. Documentation for existing facilities shall include patient origin information for all admissions for the last 12 months. Patient origin information must be presented by zip code and be based upon the patient's legal residence other than a health care facility for the last six months immediately prior to admission. For all other projects for which referrals are required to support the project, patient origin information for the referrals is required. Each referral letter must contain a certification by the health care worker physician that the

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representations contained therein are true and correct. A complete set of the referral letters with original notarized signatures must accompany the application for permit.

- 2) ~~the applicant must document that the location selected for a proposed project will not create a maldistribution of beds and services. Maldistribution is typified by such factors as: a ratio of beds to population (population will be based upon the most recent census data by zip code), within 30 minutes travel time under normal driving conditions of the proposed facility, which exceeds one and one half times the State average; an average utilization rate for the last 12 months for the facilities providing the proposed service(s) within 30 minutes travel time under normal driving conditions of the proposed project which is below the Board's target occupancy rate; or the lack of a sufficient population concentration in an area to support the proposed project.~~

b) ~~Ancillary and Supporting Services--Review--Criterion--The applicant must document that the scope and size of all ancillary and support services related to the proposed project comply with the Agency's licensure requirements--Documentation shall consist of a summary of all ancillary and support services and a comparison of existing size or proposed size to licensure requirements.~~

c) ~~Staffing--Review--Criterion~~

- 1) ~~All applicants must document that the supply of manpower currently available in the area is sufficient to meet the health service needs in that area--Documentation should include, but is not limited to, letters from employment services in the area indicating the number of potential health care employees on their rolls--letters from local health departments, in whose jurisdiction the applicant is located, indicating the availability of licensed personnel in the planning area, actual applications for employment on file with the applicant, and surveys performed by persons other than the applicant, and the availability of manpower.~~

- 2) ~~Any applicant proposing a long term care category of service must document that the required staffing levels under applicable licensure and Federal Medicare and Medicaid certification regulations will be met.~~

b) ~~d) Background of Applicant--Review Criterion:~~

- 1) ~~The applicant shall demonstrate that it is fit, willing and able, and has the qualifications, background and character to adequately provide a proper standard of health care service for the community. [20 ILCS 3960/6] In evaluating the fitness of the applicant, the State Board shall consider whether adverse action has been taken against the applicant, or against any health care facility owned or operated by the applicant, directly or indirectly, within three years preceding the filing of the application.~~

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- 2) For purposes of this subsection:

- A) "Adverse action" means conviction of any felony or any misdemeanor involving fraud or dishonesty; any supervision, probation, suspension, revocation, termination, or denial of a license or certificate or registration; imposition of a conditional license; termination or suspension from participation in any program involving payment authorized under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act, as amended; or denial, suspension, revocation or termination of accreditation by an nationally recognized organization.
- B) A health care facility is considered "owned or operated" by every person or entity which, within the three years preceding the filing of the application, owns, directly or indirectly, an ownership interest as specified in this subsection b)(2).
- C) "Ownership interest" means any legal or equitable interest, including any interest arising from a lease or management agreement, which gives rise to participation in profits or losses, or which gives rise to the exercise or implementation of any decision-making authority respecting the operations or finances of the health care facility.
- i) In the case of an individual, "ownership interest" includes any interest owned or exercised, directly or indirectly, by or for the individual's spouse or children.
- ii) In the case of a partnership, "ownership interest" includes any interest owned or exercised, directly or indirectly, by or for any general partner, and the partnership is considered to be owned by all of its general partners.
- iii) In the case of a limited liability company, "ownership interest" includes any interest owned, directly or indirectly, by or for any member or partner, and the limited liability company is considered to be owned by all of its members or partners.
- iv) In the case of an estate, "ownership interest" includes any interest owned or exercised, directly or indirectly, by any beneficiary, and the estate is considered to be owned by all of its beneficiaries.
- v) In the case of a trust, "ownership interest" includes any interest owned or exercised, directly or indirectly, by any beneficiary, and the trust is considered to be owned by all of its beneficiaries.
- vi) In the case of a corporation, "ownership interest" includes any interest owned, directly or indirectly, by or for any principal shareholder, member, director or officer, and the corporation is considered to be



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owned by its principal shareholders, members, directors and officers.

D) "Principal shareholder" means

- i) In the case of a corporation having 30 or more shareholders, a person who, directly or indirectly, beneficially owns, holds or has the power to vote 5% or more of any class of securities issued by the corporation.
- ii) In the case of a corporation having fewer than 30 shareholders, a person who, directly or indirectly, beneficially owns, holds or has the power to vote 50% or more of any class of securities issued by the corporation, or any member of any group of five or fewer shareholders which, directly or indirectly, beneficially own, hold or have the power to vote 80% or more of any class of securities issued by the corporation.

E) If any person or entity owns any option to acquire stock, such stock shall be considered to be owned by such person or entity.

3) Examples of facilities owned or operated by the applicant:

- A) The applicant, Partnership ABC, owns 60 percent of the shares of Corporation XYZ which manages the Good Care Nursing Home under a management agreement. The applicant, Partnership ABC, owns or operates Good Care Nursing Home.
  - B) The applicant, Healthy Hospital, a corporation, is a subsidiary of Universal Health, the parent corporation of Healthcenter ASTC, its wholly-owned subsidiary. The applicant, Healthy Hospital, owns and operates Healthcenter ASTC.
  - C) Dr. Wellcare is the applicant. His wife is the director of a corporation which owns a hospital. The applicant, Dr. Wellcare, owns or operates the hospital.
  - D) Drs. Faith, Hope and Charity own 40%, 35%, and 10%, respectively, of the shares of Healthfair, Inc., a corporation, which is the applicant. Dr. Charity owns 45% and Drs. Well and Care each own 25% of the shares of XYZ Nursing Home, Inc. The applicant, Healthfair, Inc., owns and operates XYZ Nursing Home, Inc.
- 4) Documentation to be submitted shall include:
- A) A listing of all health care facilities owned or operated by the applicant, including licensing, certification and accreditation identification numbers, if applicable;
  - B) proof of current licensure and, if applicable, certification and accreditation of all health care facilities owned or operated by the applicant;
  - C) a certification from the applicant listing any adverse action taken against any facility owned or operated by the

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applicant during the three (3) years prior to the filing of the application.

- D) authorizations permitting the State Board and Agency access to information in order to verify any documentation or information submitted in response to the requirements of this subsection (b)(4), or to obtain any additional documentation or information which the State Board or IDPH Agency finds pertinent to this subsection (b)(4). Failure to provide such authorization shall constitute an abandonment or withdrawal of the application without any further action by the State Board.
- 5) If during a given calendar year, an applicant submits more than one application for permit, the documentation provided with the prior application may be utilized to fulfill the data requirements of this Part rule. In such cases, applicant must state that the information has been previously provided to IDPH the State Agency, cite the project for the prior application, and certify that no changes have occurred regarding the information, which has been previously provided.

- 6) In addition to documentation submitted by the applicant, the State Board and IDPH Agency shall review the official records of IDPH the State Agency, other State agencies, and, where applicable, those of other states, respecting licensure and certification, and shall review the records of nationally recognized accreditation organizations to determine compliance with the requirements of this subsection (b).

(c) Alternatives to the Proposed Project--Review Criterion. The applicant must document that the proposed project is the most effective or least costly alternative. Documentation shall consist of a comparison of the proposed project to alternative options. Such a comparison must address issues of cost, patient access, quality, and financial benefits in both the short and long - term. If the alternative selected is based solely or in part on improved quality of care, the applicant shall provide empirical evidence including quantifiable outcome data that verifies improved quality of care. Alternatives must include, but are not limited to: purchase of equipment, leasing or utilization (by contract or agreement) of other facilities, development of freestanding settings for service and alternate settings within the facility.

(d) Need For the Project--Review Criterion. The project must be needed.

- 1) If the State Board has determined need pursuant to Part 1100, the proposed project shall not exceed additional need determined unless the applicant meets the criterion for a variance.
- 2) If the State Board has not determined need pursuant to Part 1100, the applicant must document that it will serve a population group in need of the services proposed and that insufficient service exists to meet the need. Documentation shall include but not be limited to:

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- A) area studies (which evaluate population trends and service use factors);
- B) calculation of need based upon models of estimating need for the service (all assumptions of the model and mathematical calculations must be included);
- C) historical high utilization of other area providers; and
- D) identification of individuals likely to use the project.
- 3) If the project is for the acquisition of major medical equipment that does not result in the establishment of a category of service, the applicant must document that the equipment will achieve or exceed any applicable target utilization levels specified in Appendix B within 12 months after acquisition.
- eg) Size of Project--Review Criterion. The applicant must document that the size of a proposed project is appropriate.
- 1) The proposed project cannot exceed the norms for project size found in Appendix B of this Part unless the additional square footage beyond the norm can be justified by one of the following:
- A) the proposed project requires additional space due to the scope of services provided;
- B) the proposed project involves an existing facility where the facility design places impediments on the architectural design of the proposed project;
- C) the proposed project involves the conversion of existing bed space and the excess square footage results from that conversion; or
- D) the proposed project includes the addition of beds and the historical demand over the last five year period for private rooms has generated a need for conversion of multiple bed rooms to private usage.
- 2) When the State Board has established utilization targets for the beds or services proposed, the applicant must document that in the second year of operation the annual utilization of the beds or service will meet or exceed the target utilization. Documentation shall include, but not be limited to, historical utilization trends, population growth, expansion of professional staff or programs (demonstrated by signed contracts with additional physicians) and the provision of new procedures which would increase utilization.
- h) Medical-Education--Review-Criterion
- 1) If the project proposed is designed to meet the health education or related research needs of the facility, the applicant must document the following:
- A) the proposed project would assist the facility in meeting its research or educational needs for related residency programs; Documentation must indicate that accreditation would be lost without the proposed project and that current space is insufficient to meet projected teaching needs;
- B) the proposed project will not have an adverse impact on

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- community facilities within the planning area and that such community facilities support the project; Documentation shall consist of letters from non-teaching community hospitals in the planning area indicating support for the project or indicating that the proposal will have no adverse impact on the utilization of their services;
- e) how the proposed project compares in function and design to similar programs in other teaching hospitals in Illinois and nationally; Documentation shall consist of detailed comparisons of volume requirements and square footage needs in similar institutions both in Illinois and nationally; and the facility is unable to meet its teaching or related research needs through the use of existing resources. Documentation shall consist of statements concerning the inability to utilize vacant or under-utilized areas of the applicant facility; and statements detailing any prohibitive reasons for not utilizing space in other facilities to provide the proposed project;
- 2) This criterion shall not be the sole basis for approval of a project and cannot be used to justify the creation of a new health care facility.

(Source: Amended at 23 Ill. Reg. 2987.3, effective 1/1/87)

### Section 1110.235 Additional General Review Criteria for Master Design and Related Projects Only

- a) "System Impact of Master Plan Design--Projects--Only" -- Review Criterion. The applicant must document that the proposed master plan or future construction or modification project(s) will have a positive impact on the health care delivery system of the planning area in terms of improved access, long term institutional viability, and availability of services. Documentation shall address:
- 1) the availability of alternative health care facilities within the planning area and the impact the applicant's proposed future project(s) will have on the utilization of such facilities;
- 2) how the services proposed in the applicant's future project(s) will improve access to area residents;
- 3) what the potential impact on area residents would be if the proposed services were not to be replaced or developed; and
- 4) the anticipated role of the facility in the delivery system including anticipated patterns of patient referral, any contractual or referral agreement between the applicant and other providers which will result in the transfer of patients to the applicant's facility.
- b) Master Plan or Related Future Projects -- Review Criterion
- The applicant must document that all beds and services to be developed



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pursuant to the master design project must be needed and that access to each service will be improved as a result of the proposed master plan or the construction or modification project(s). The applicant must indicate an anticipated completion date(s) for the future construction or modification projects, and document:

1) that:

- A) the proposed number of beds and services to be developed pursuant to the master design project must be consistent with the bed or service need determination of 77 Ill. Adm. Code 1100; or
- B) if bed or service need determinations do not support the proposed number of beds and services, there are existing factors that support the need for such development at the time of project completion. Such factors include but are not limited to:
  - i) limitations on governmental funded or charity patients that are expected to continue;
  - ii) restrictive admission policies of existing planning area health care facilities that are expected to continue;
  - iii) the planning area population is projected to exhibit indicators of medical care problems such as average family income below poverty levels or projected high infant mortality; and

2) Utilization of the proposed beds and services will meet or exceed the utilization targets established in 77 Ill. Adm. Code 1100 within two years after completion of the future construction or modification project(s). Documentation shall include:

- A) historical service/bed utilization levels;
- B) projected trends in utilization including the rationale and projection assumptions used in such projections;
- C) anticipated market factors such as referral patterns or changes in population characteristics (age, density, wellness) that would support utilization projections; and
- D) anticipated changes in the delivery of the service due to changes in technology, care delivery techniques or physician availability that would support the projected utilization levels.

cb) Relationship to Previously Approved Master Design Projects -- Review Criterion

- 1) The applicant must document that any construction or modification project submitted pursuant to an approved master design project is consistent with the approved design permit. When such construction or modification represents a single phase of a multiple phase master plan, the applicant must document that the proposed phase is consistent with the approved master plan, and that any elements which will be utilized to support additional phases are justified under the approved master design permit.

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Documentation shall consist of:

- A) schematic architectural plans for all construction or modification approved in the master design permit;
  - B) the estimated project cost for the proposed project and also for the total construction/modification project approved in the master design permit;
  - C) an item by item comparison of the construction elements (i.e., site, number of buildings, number of floors, etc.) in the proposed project to the approved master design permit; and
  - D) a comparison of proposed beds and services to those approved under the master design permit.
- 2) Approval of a proposed construction or modification project that is but one phase in a multiple phase project does not obligate approval or positive findings on construction or modification projects in future phases. Future applications, including those involving the replacement or addition of beds, are subject to the review criteria and bed need in effect at the time of State Board review.

(Source: Amended at 23 Ill. Reg. 2987-3, effective 1/1/99.)

### Section 110.240 Changes of Ownership, Mergers and Consolidations and Acquisitions

- a) Introduction. The review criteria contained in this Section are designed to evaluate the impact on the health care system for applicants for permit involving mergers, consolidations or acquisition/change changes of ownership as defined in 77 Ill. Adm. Code 1130. These criteria are in addition to other applicable criteria.
- b) Impact Statement -- Review Criterion. The applicant must submit an impact statement which details any proposed changes in the beds or services currently offered, who the anticipated operating entity will be, the reason for the transaction, any anticipated additions or reductions in employees, and a cost/benefit analysis of the transaction. The statement must reflect at least a two-year period following the date of the change of ownership, merger/acquisition or consolidation.
- c) Access -- Review Criterion. The applicant must document any changes which may result in the restriction of patient admissions and document that no reductions in access to care will result from the transaction. Documentation shall consist of a written certification that the admission policies of the facilities involved will not become more restrictive and the submission of both the current formal admission policies of all institutions involved and the anticipated policy following completion of the project.



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## d) Health Care System -- Review Criterion

1) The applicant must document that:

- A) the applicant's care system will not restrict the use of other area care providers; or
- B) the project improves access to services previously unavailable in the community because of the structure of the applicant's care system.

2) Documentation must detail the current and proposed relationship with those health care or health related organizations which are to be owned (in whole or in part), affiliated, operated, or under management contract with the applicant and provide the following:

- A) all care system service providers and services offered including location, types of services, number of beds, and utilization levels for provided services over the last 12-month period; and
- B) the proposed relationship of the project to the care system.

Data should include where referrals for categories of service not available at the proposed project will be made, how duplication of services will be resolved, time and travel factors involving referrals within the care system and any organization policies concerning the use of care system providers over other area providers.

(Source: Amended at 23 Ill. Reg. 2987, effective 1-1-1995)

## SUBPART E: MODERNIZATION REVIEW CRITERIA

## Section 1110.420 Modernization Review Criteria

- a) Modernization of Beds -- Review Criterion. The applicant must document that the number of beds proposed in each category of service affected does not exceed the number of beds needed to support the facility's utilization in each service proposed at the appropriate modernization target as found in Part 1100. (Utilization shall be based upon the latest 12 month period for which data are available.)
- b) Modern Facilities -- Review Criterion. The applicant must document that the proposed project meets one of the following:

1) The proposed project will result in the replacement of equipment or facilities which have deteriorated and need replacement. Documentation shall consist of, but is not limited to: historical utilization data, downtime or time spent out-of-service due to operational failures, upkeep and annual maintenance costs, and licensure or fire code deficiency citations involving the proposed project.

2) The proposed project is necessary to provide expansion for diagnostic treatment, ancillary training, or other support services to meet the requirements of existing services or

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services previously approved to be added or expanded. Documentation shall consist of but is not limited to: historical utilization data, evidence of changes in industry standards, changes in the scope of services offered, and licensure or fire code deficiency citations involving the proposed project.

## c) Major Medical Equipment -- Review Criterion

Proposed projects for the acquisition of major medical equipment must document that the equipment will achieve or exceed any applicable target utilization levels specified in Appendix B within 12 months after acquisition.

(Source: Amended at 23 Ill. Reg. 2987, effective 1-1-1995)

## SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

## Section 1110.520 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Definitions

## a) Medical/Surgical

- 1) "Medical-Surgical Service" means a category of service pertaining to the medical-surgical care performed at the direction of a physician in behalf of patients by physicians, dentists, nurses and other professional and technical personnel. For purposes of this Subchapter, the medical-surgical category of service includes such subcategories of service as medical, surgical, ophthalmology, intermediate intensive care, tuberculosis, gynecology (outside obstetric (OB) department), research, eyes-ears-nose and throat, orthopedic, neurology, cardio-thoracic-vascular, trauma, inpatient renal dialysis, special care units, dental and urology. The medical-surgical category of service does not include the following categories of service and their subcategories:

- A) Obstetric Service;
- B) Pediatric Service;
- C) Intensive Care Service;
- D) Rehabilitation Service;
- E) Acute Mental Illness Treatment Service;
- F) Substance Abuse/Addiction ~~Alcoholism~~ Treatment Service;
- G) Neonatal Intensive Care ~~Perinatal~~/High-Risk Service;
- H) Burn Treatment Service;
- I) General Long-Term Care Categories of Service; and
- J) Specialized Long-Term Care Categories of Service.

2) "Medical-Surgical Unit" means an assemblage of inpatient beds and related facilities in which medical-surgical services are provided to a defined and limited class of patients according to their particular medical care needs.

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## b) Obstetrics

1) "Combined Maternity and Gynecological Unit" means an entire facility or a distinct part of a facility which provides both a program of maternity care (as defined in subsection (b)(3) Subsection below) and a program of obstetric gynecological care (as defined in Subsection (b)(5) below) and which is designed, equipped, organized and operated in accordance with the requirements of the "Hospital Licensing Act" [210 ILCS 85] {###-Rev--Stat--1987-chr--111-1/27-pars--142-et-seq-}.

2) "Fertility Rate" means projections of population fertility based upon resident birth occurrence as provided by IDPH the-Agency-and population--projections-as-provided-by-the-illinois-Bureau-of-the-Budget.

3) "Maternity Care" means a subcategory of obstetric service related to the medical care of the patient prior to and during the act of giving birth either to a living child or to a dead fetus and to the continuing medical care of both patient and newborn infant under the direction of a physician in behalf of the patient by physicians, nurses, and other professional and technical personnel.

4) "Maternity Facility or Unit" means an entire facility or a distinct part of a facility which provides a program of maternity and newborn care and which is designed, equipped, organized, and operated in accordance with the requirements of the "Hospital Licensing Act".

5) "Obstetric Gynecological Care" means a subcategory of obstetric service where medical care is provided to clean gynecological, surgical, or medical cases which are admitted to a postpartum section of an obstetric unit in accordance with the requirements of the "Hospital Licensing Act".

6) "Obstetric Service" means a category of service pertaining to the medical or surgical care of maternity and newborn patients or medical or surgical cases which may be admitted to a postpartum unit.

## c) Pediatrics

1) "Designated Pediatric Beds" means beds within the facility which are primarily used for pediatric patients and are not a component part of a distinct pediatric unit as defined in subsection Subsection (c)(2) below.

2) "Pediatric Facility or Distinct Pediatric Unit" means an entire facility or a distinct unit of a facility, where the nurses' station services only that unit, which provides a program of pediatric service and is designed, equipped, organized and operated to render medical-surgical care to the 0-14 age population.

3) "Pediatric Service" means a category of service for the delivery of treatment pertaining to the non-intensive medical-surgical care of a pediatric patient (0-14 years in age) performed at the

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direction of a physician in behalf of the patient by physicians, dentists, nurses, and other professional and technical personnel.

## d) Intensive Care

1) "Intensive Care Service" means a category of service providing the coordinated delivery of treatment to the critically ill patient or to patients requiring continuous care due to special diagnostic considerations requiring extensive monitoring of vital signs through mechanical means and through direct nursing supervision. This service is given at the direction of a physician in behalf of patients by physicians, dentists, nurses, and other professional and technical personnel. The intensive care category of service includes the following subcategories; medical Intensive Care Unit (ICU), surgical ICU, coronary care, pediatric ICU, and combinations of such ICU. This category of service does not include intermediate intensive or coronary care and special care units which are included in the medical-surgical category of service.

2) "Intensive Care Unit" means a distinct part of a facility which provides a program of intensive care service and which is designed, equipped, organized and operated to deliver optimal medical care for the critically ill or for patients with special diagnostic conditions requiring specialized equipment, procedures and staff, and which is under the direct visual supervision of a qualified professional nurses' staff.

(Source: Amended at 23 Ill. Reg. 2987, effective 4/24/88)

## SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE MENTAL ILLNESS

## Section 110.720 Acute Mental Illness--Definitions

a) "Acute Mental Illness" means a crisis state or an acute phase of one of more specific psychiatric disorders in which a person displays one or more specific psychiatric symptoms of such severity as to prohibit effective functioning in any community setting. Persons who are acutely mentally ill may be admitted to an acute mental illness facility or unit under the provisions of the Mental Health and Developmental Disabilities Code [405 ILCS 5] {###-Rev--Stat--1987-chr--91-1/27-pars--1-100-et-seq-} which determines the specific requirements for admission by age and type of admission.

b) "Acute Mental Illness Facility or Unit" means a facility or a distinct unit in a facility which provides a program of acute mental illness treatment service (as defined below) and which is designed, equipped, organized, and operated to deliver inpatient and supportive acute mental illness treatment services; and which is licensed by the Department of Public Health under the Hospital Licensing Act [210 ILCS

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85] (Ill.-Rev.-Stat.-1987, ch.-111-1/2, pars.-142-et-seq.) or is a facility operated or maintained by the State or a State agency.

- c) "Acute Mental Illness Treatment Service" means a category of service which provides a program of care for those persons suffering from acute mental illness. Such services are provided in a highly structured setting in a distinct psychiatric unit of a general hospital, in a private psychiatric hospital, or in a state-operated facility, to individuals who are severely mentally ill and in a state of acute crisis, in an effort to stabilize the individual and either effect his quick placement in a less restrictive setting or to reach a determination that extended treatment is needed. Acute mental illness is typified by an average length of stay of 45 days or less for adults and 60 days or less for children and adolescents.

(Source: ~~Amended~~ at 23 Ill. Reg. 2987, effective 11/1/84)

## Section 1110.730 Acute Mental Illness--Review Criteria

- a) Unit Size -- Review Criterion. The minimum unit size for acute mental illness beds is 20 beds for facilities within a metropolitan statistical area. The minimum unit size for acute mental illness beds is 10 beds for facilities within nonmetropolitan statistical areas.
- b) Supportive Mental Health Services -- Review Criterion. The applicant must document that the proposed project is or will be a component of an integrated community mental health system, as indicated by the existence of formal multi-institutional service agreements with non-hospital providers. The formal agreements must include:

- 1) A specific process for linking of patients to needed aftercare services;
- 2) A specific process for the exchange of information concerning the patient; and
- 3) Designated staff members or points of contact between the facilities and/or professionals.

c) Establishment--or--Addition--of--Acute--Mental--Illness--Beds--Review Criterion. The State Board shall deny all applications for permit submitted by persons, other than the Department of Mental Health and Developmental Disabilities, to establish a new unit within an existing facility or a new facility for the treatment of acute mental illness when the new unit or facility to be developed will be located in a planning area where a surplus of bed capacity for such treatment has been established by the State Board in accordance with the health-care facilities plan developed pursuant to Section 12 of this Act.

cd) High-Occupancy Variance to Bed Need -- Review Criterion

- 1) High Occupancy -- The applicant must document that the number of beds proposed will not exceed the number needed to reduce the facility's high occupancy to the target occupancy. applicant

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facility--has--experienced--exceptionally--high--occupancy--Documentation--shall--consist--of--evidence--that--the--historical annual--occupancy--rate--has--equaled--or--exceeded--the--target occupancy--in--each--of--the--last--two--years--for--which--data--is available--

- 2) Access -- The applicant must also document that the proposed project will be providing the acute mental illness category of service that is not readily accessible to the general population of the given planning area. Factors affecting accessibility include, but are not limited to:

- A) Restrictive admission policies by facilities currently providing the service in the area; and/or
- B) Location of existing services requires an excessive amount of travel time (more than 45 minutes under normal driving conditions) for planning area residents to receive service.

In addition, the applicant must provide documentation that the proposed project will achieve, within the first year of operation, the target occupancy for the service and that there is an available number of patients needing the facility's services to meet this level. number-of-beds-proposed-will-not-exceed--the number-needed--to--reduce--the--facility's-high-occupancy-to-the target-occupancy--

- de) Type of Admissions -- Review Criterion. The applicant must document that the acute mental illness service will annually achieve the target occupancy beginning in the second year of operation. Documentation shall consist of statistical evidence that there is an available number of patients suffering from psychiatric disorders as referenced in the Diagnostic and Statistical Manual of Mental Disorders, IV Edition (1980), DMS-III, American Psychiatric Association, which would utilize the acute mental illness service.

f) Facilities--Operated--by--the--Department--of--Mental--Health--and Developmental Disabilities--Review--Criterion--The--applicant--must document--that--the--development--of--an--acute--care--service--component--is needed--Documentation--shall--consist--of--evidence--that--the--number--of episodes--requiring--acute--intervention--in--the--chronic--patient population--justifies--the--acute--service--or--that--the--number--of--direct acute--admissions--to--the--facility--warrants--the--development--of--an--acute service--

(Source: Amended at 23 Ill. Reg. 2987, effective 11/1/84)

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE/ADDITION TREATMENT

## Section 1110.810 Introduction

Subpart I contains Review Criteria which pertain to the Substance



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Abuse/Addiction Treatment Category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 23 Ill. Reg. 2987, effective 2/28/83)

## Section 1110.820 Substance Abuse/Addiction Treatment--Definitions

a) "Substance Abuse/Addiction Treatment Facility or Unit" means any facility or any distinct, physically identifiable unit in a facility which is operated by the State or which is licensed pursuant to or operated in accordance with the "Hospital Licensing Act" or the "Nursing Home Care Reform Act of 1979" and which provides a service of substance abuse treatment.

b) "Substance Abuse/Addiction Treatment Service" means a category of service that which provides inpatient detoxication and rehabilitation care for a person who suffers from addiction to drugs and/or alcohol and related mental/physical conditions or that provides treatment and rehabilitation care for a person who suffers from other addictive conditions.

(Source: Amended at 23 Ill. Reg. 2987, effective 2/28/83)

## Section 1110.830 Substance Abuse/Addiction Treatment--Review Criteria

a) Detoxification Services -- Review Criterion. The applicant must document that detoxification services are provided or will be provided under the direction of a certified substance abuse/addiction treatment ~~alcoholism~~ counselor. (Beds utilized for detoxification not located within a substance abuse unit are not counted against unit bed totals.) Documentation shall consist of a narrative as to how and where detoxification is performed.

b) Establishment or Addition of Substance Abuse/Addiction Treatment Beds -- Review Criterion. The applicant must document that the proposed project involves the conversion of excess beds from another category of service. Documentation shall consist of identification of all patient rooms affected and a revised floor plan for the facility.

c) Supportive Services -- Review Criterion. The applicant must document that outpatient and intermediate services and care, including diagnostic evaluations, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling will be provided. Documentation shall consist of a narrative detailing the scope and nature of support services provided and the manner in which services will be provided.

d) Target Occupancy -- Review Criterion. The applicant must document

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that the proposed percent of beds will operate at an average occupancy rate of 90 percent by documenting the projected case load. Documentation must include, but is not limited to, copies of written correspondence with physicians, private or public social organizations and employer and employee organizations which demonstrate that these sources are currently experiencing difficulties obtaining inpatient Substance Abuse/Addiction Treatment Services. Such correspondence must indicate where referrals or patient placements are being made currently; why these arrangements cannot be continued and also whether additional patients, to whom care is currently unavailable, would be serviced by the project.

e) Community Programs -- Review Criterion. The applicant must document that the inpatient service will be a component part of a comprehensive outreach or community treatment program or system. Documentation shall consist of written agreements with providers located within 60 minutes travel time (under normal driving conditions) from the proposed project. Such written agreement must include the following:

1) A specific process for linking patients to needed ambulatory and aftercare services;

2) A specific process for the exchange of information concerning the patient; and

3) Designated staff members or points of contact between the facilities and/or professionals.

f) Contact with the Department of Human Services Alcoholism-and-Substance Abuse -- Review Criterion. The applicant must document contact with the Department of Human Services Alcoholism-and-Substance Abuse. Documentation must include proof that a request has been submitted to that Department to review the project's relationship to the long-range goals and objectives of that Department. Such a request must be made by certified mail return receipt requested and must occur within a 60-day period prior to the submission of this application.

g) Distinct Unit -- Review Criterion. The applicant must document that the proposed unit will be self-contained, physically distinct, have an identifiable staff and comply with all appropriate, existing licensure standards of the agency. Documentation shall consist of a narrative which identifies the relationship of the unit to the other facility services and how the unit will be operated in order to comply with licensure requirements.

h) Distinct Units-Children/Adolescents -- Review Criterion. The applicant must document that treatment of children or adolescents will occur in a unit separate and distinct from any units for the treatment of adults. Documentation shall include line drawings detailing the configuration of the unit and certification that the unit will be separate and distinct.

(Source: Amended at 23 Ill. Reg. 2987, effective 2/28/83)

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## SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--NEONATAL INTENSIVE CARE

## Section 1110.920 Neonatal Intensive Care--Definitions

"Neonatal Intensive Care" means a level of care providing constant and close medical coordination, multi-disciplinary consultation and supervision to those neonates with serious and life threatening developmental or acquired medical and surgical problems which require highly specialized treatment and highly trained nursing personnel.

"Neonatal Intensive Care Service" means a category of service providing treatment of the infant for problems identified in the neonatal period which warrant intensive care. An intensive neonatal care service must include a related obstetric service for care of the high-risk mother (except when the facility is dedicated to the care of children).

"Neonatal Intensive Care Unit" means a distinct part of a facility which provides a program of intensive neonatal care and which is designed, equipped, and operated to deliver medical and surgical care to high-risk infants.

"Neonatologist" means a physician who is certified by the American Board of Pediatrics Sub-Board of Neonatal/Perinatal medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Pediatricians.

"Perinatal Center" means a referral facility intended to care for the high-risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services. Such a center shall be a university or university-affiliated facility responsible for the administration and implementation of the Department of Human Services' Public-Health's regionalized perinatal health care program including continuing education for health professions.

(Source: Amended at 23 Ill. Reg. 2987, effective

## Section 1110.930 Neonatal Intensive Care--Review Criterion

## a) Staffing -- Review Criterion

1) The applicant must document that the personnel possessing proper credentials in the following categories are available to staff the service:

- A) Full-time Neonatal Director - a neonatologist as defined in Section 1110.920.

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- B) Full-time Subspecialty Obstetrical Director - an obstetrician certified by the American Board of Obstetrics and Gynecology in the subspecialty of Maternal and Fetal Medicine or a licensed osteopathic physician with equivalent training and experience and certified by the American Osteopathic Board of Obstetricians and Gynecologists.
- C) Other neonatologists and obstetricians sufficient in number to serve the projected number of maternal and neonatal patients to be served by the facility and to ensure adequate back-up to the neonatal and obstetrical directors so that there will be continuity of patient care and consultation.
- D) Full-time Nurse-Director of the obstetric-newborn nursing service who is experienced in perinatal nursing, and preferably holds a master's degree.
- E) Other nurses adequate in number to serve the projected number of maternal and neonatal patients to be served by the facility.

F) Board-Certified Anesthesiologist with training in maternal, fetal and neonatal anesthesia (24-hour availability).

G) One or more licensed social workers.

H) Respiratory therapists with experience in neonatal care and adequate in number to ensure availability of a minimum of one respiratory therapist for every four patients on mechanical ventilators.

- I) Registered dietician with experience in perinatal nutrition.
- 2) Documentation shall consist of:

A) Letters of interest from potential employees;

B) applications filed with the applicant for a position;

C) signed contracts with required staff; or

D) a narrative explanation of how other positions will be filled.

- b) Letter of Agreement -- Review Criterion. The applicant must document that a letter of agreement with the regional perinatal center for neonatal intensive care services has been signed. Such letter of agreement must fulfill the conditions for such letters found in the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) and be approved by the Department of Human Services Public-Health. A copy of the letter shall serve as documentation.

c) Need for Additional Beds -- Review Criterion

- 1) The applicant must document that the proposed neonatal intensive care beds are needed. Bed need may be documented by any of the following:

A) no neonatal intensive care services exist within the planning area;

B) that for each of the last two years for which data is available, the yearly occupancy rate for the service at the affiliated perinatal center has exceeded the target occupancy rate;

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- C) existing providers of the service within the planning area cannot provide care to a patient caseload due to a limitation on funding for care providing; or
- D) that for each of the last two years for which data is available, the yearly occupancy rate for the service at the applicant facility has exceeded the target occupancy rate.
- d) Obstetric Service -- Review Criterion. The applicant must document the availability within the facility of an obstetric service capable of providing care to high-risk mothers. Documentation must include a detailed assessment of obstetric service capability. This requirement does not apply to a facility dedicated to the care of children.

(Source: Amended at 23 Ill. Reg. 2987, effective 4/1/1996)

## SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

## Section 1110.1010 Introduction

Subpart K contains Review Criteria which pertain to the Burn Treatment category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 23 Ill. Reg. 2987, effective 4/1/1996)

## Section 1110.1020 Burn Treatment--Definitions

- a) "Burn Care Technician" means a licensed practical or vocational nurse or an operating room technician or corpsman; or a high school graduate with basic nurse aide training who has received special education or experience in burn treatment care.
- b) "Burn Center Unit" means a facility or a distinct part of a facility which provides a program of burn treatment service and which is a specially designed physical area which is set aside exclusively for the physical management of burn patients in all phases of treatment, staffed by individuals trained specifically to provide the necessary care.
- c) "Burn Specialist" means a registered professional nurse who possesses experience in general nursing and experience in and/or knowledge of intensive nursing care and burn treatment care.
- d) "Burn Treatment Service" means a category of service providing an appropriate mix of services for those patients requiring "Burn Treatment" including treatment capability for the following 3

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## Classifications of Burn Injuries:

- 1) Major Burn Injury - Second degree burns of greater than 25% Body Surface Area (BSA) in adults (20% in children), all third degree burns involving hands, face, eyes, ears, feet, perineum, all inhalation injury, electrical burns and complicated burn injury involving fractures, or other major trauma and all poor risk patients.
- 2) Moderate Uncomplicated Burn Injury - Second degree burns of 10-15% BSA in adults (10-20% in children) with less than 10% third degree burn and which does not involve eyes, ears, face, hands, feet or perineum. Excludes electrical injury, complicated injury (fractures), inhalation injury and all poor risk patients (extremes of age, intercurrent disease, etc.).
- 3) Minor Burn Injury - Second degree burns of less than 15% BSA in adults (10% in children) with less than 2% third degree, not involving eyes, ears, face, hands, feet or perineum. Excludes electrical injury, inhalation injury, complicated injury (fractures), and all poor risk patients (extremes of age, intercurrent disease, etc.).

e) "Clinical Nurse Specialist in Burn Care" means a registered professional nurse possessing a master's degree in nursing with a burn care specialty or equivalent experience.

f) "Severe Burn" means all burns that cover more than 20 percent of the body area, and burns requiring intensive treatment, such as but not limited to, inhalation injuries, chemical and electrical burns, burns with complications such as fractures, burns to the face, full thickness burns to the hands or feet, patients with burns where pre-burned health was known to be poor, such as diabetes, heart disease, etc., and for those experiencing burns that are under 5 and over 60 years of age.

(Source: Amended at 23 Ill. Reg. 2987, effective 4/1/1996)

## SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS

## Section 1110.1420 Chronic Renal Dialysis Service--Definitions

e) "Acute Dialysis" is dialysis given on an intensive care, inpatient basis to patients suffering from (presumably reversible) acute renal failure, or to patients with chronic renal failure with serious complications.



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b) "Chronic Renal Dialysis" is a category of service in which dialysis is performed on a regular long-term basis in patients with chronic irreversible renal failure. The maintenance and preparation of patients for kidney transplantation (including the immediate post-operative period and in case of organ rejection) or other acute conditions within a hospital does not constitute a chronic renal dialysis category of service.

c) "Dialysis" is a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane. The two types of dialysis which are recognized in classical practice are hemodialysis and peritoneal dialysis.

d) Renal-Dialysis-Facility means a hospital-unit-or-freestanding-facility which-furnishes-routine-chronic-dialysis-services-to-chronic-renal-disease-patients--Such-types-of-services-are--self-dialysis-training-in-self-dialysis-dialysis-performed-by-trained-professional-staff-and-chronic-maintenance-dialysis-

"Hematocrit" means a measure of the packed cell volume of red blood cells expressed as a percentage of total blood volume.

e) "Hemodialysis" is a type of dialysis that involves the use of artificial kidney through which blood is circulated on one side of a semipermeable membrane while the other side is bathed by a salt dialysis solution. The accumulated toxic products diffuse out of the blood into the dialysate bath solution. The concentration and total amount of water and salt in the body fluid is adjusted by appropriate alternations in composition of the dialysate fluid.

f) "Peritoneal Dialysis" is a type of dialysis in which the dialysate fluid is injected slowly into the peritoneum, causing dialysis of water and waste products to occur through the peritoneal sac which acts as a semipermeable membrane. The fluid and waste, after accumulating for a period of time (1 hour), is drained from the abdomen and the process is repeated. This procedure is much slower than hemodialysis, requiring the patient to be immobilized for a long period of time.

"Renal Dialysis Facility" means a freestanding facility or a unit within an existing health care facility that furnishes routine chronic dialysis service(s) to chronic renal disease patients. Such types of services are: self-dialysis, training in self-dialysis, dialysis performed by trained professional staff and chronic maintenance dialysis including peritoneal dialysis.

g) "Self-Care Dialysis Training" is a program which trains Chronic Renal

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Disease patients or their helpers, or both, to perform self-care dialysis.

h) "Self-Dialysis" or "Self-Care Dialysis" is maintenance dialysis performed by a trained patient at home or in a special facility with or without the assistance of a family member or other helper.

"Urea" means the chief product of urine and the final product of protein metabolism in the body.

"Urea Reduction Ratio (URR)" means the amount of blood cleared of urea during dialysis. It is reflected by the ratio of the measured level of urea before dialysis and urea remaining after dialysis. The larger the URR, the greater the amount of urea removed during the dialysis treatment.

(Source: Amended at 23 Ill. Reg. 2987.3, effective 1/1/99)

## Section 1110.1430 Chronic Renal Dialysis -- Review Criteria

a) Data System -- Review Criterion. An the applicant proposing to establish a renal dialysis facility must document that a chronic renal dialysis data system exists or will be established. This criterion shall not be applicable to existing renal dialysis facilities that are relocating or adding stations.

b) Minimum Size of Renal Dialysis Center or Renal Dialysis Facilities -- Review Criterion. The minimum facility size for establishment of a renal dialysis facility is:

- 1) three dialysis stations within the facility in areas not included in an MSA or in an MSA of less than 500,000 people;
- 2) six dialysis stations in MSA's of over 500,000 population.

c) Access/Variance to Station Need -- Review Criterion

An applicant proposing to establish a renal dialysis facility or to add stations when no need for additional stations exists in the planning area must document one of the following:

- 1) a new facility will improve access in a geographic area that is within 30 minutes travel time of the proposed facility site as evidenced by documentation that verifies:

A) all existing renal dialysis facilities in the area are operating at or in excess of the target utilization level for the latest 12 month period for which data is available; and

B) a sufficient number of patients is experiencing an access problem to justify the proposed number of stations at the minimum utilization level detailed in 77 Ill. Adm. Code 1100; and

C) the caseload at all existing renal dialysis facilities in

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- the area will not be adversely affected; or
- 2) additional stations are needed to reduce high utilization of an existing facility as evidenced by documentation that verifies that the number of proposed stations will reduce the facility's experienced utilization level for the latest 12 month period for which data is available to the minimum utilization level detailed in 77 Ill. Adm. Code 1100.
- 3) The applicant must document that access to the proposed service is restricted in the planning area as documented by:
- A) All existing renal dialysis facilities are operating at full utilization as reflected in three patient shifts per day; or
- B) renal dialysis facilities are not available to 90 percent of the population of the planning area within 45 minutes travel time and the proposed project will meet that need.
- 4) Documentation shall consist of location and historical utilization of other planning area service providers; patient location information; all applicable time travel studies; and a certification of waiting times or scheduling problems in existing facilities.
- 5) The applicant must also document that the number of patients who are experiencing an access problem will justify the proposed project at the minimum utilization level detailed in 77 Ill. Adm. Code 1100:
- a) Establishment of Facilities--Review Criterion--It is the policy of the State Board that no new renal dialysis center or facility be established in a planning area unless:
- 1) All existing renal dialysis centers or facilities within the planning area are operating at or above the minimum utilization for such facilities as detailed in 77 Ill. Adm. Code 1100.630; and
- 2) There is a calculated need for additional stations in the planning area; the need for treatment stations will be based upon the need figures shown in the update to the Inventory of Health-Care Facilities in effect at the time of State Board consideration; and
- 3) the applicant documents that the proposed new facility will improve access to care by demonstrating that services are not available within 30 minutes travel time of the proposed facility; or
- 4) the applicant documents conformance with the variance detailed in subsection (c) of this Section.
- e) Location--Review Criterion--The applicant must document that the location of the proposed project is accessible; documentation shall consist of a narrative relating the proposed location to public transportation, other providers and to the population to be served; it also must include floor plans of the facility and the protocols for evacuation of the residents in an emergency such as a fire.
- d) Support Services--Review Criterion. The applicant proposing to

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- establish a renal dialysis facility must document that clinical and pathological laboratory services, blood bank, nutrition, rehabilitation, psychiatric and social services, and self-care dialysis support services, will be available. Documentation shall consist of a narrative as to how such services will be provided. This criterion shall not be applicable to existing renal dialysis facilities that are relocating or adding stations.
- el) Affiliation Agreements--Review Criterion. The applicant proposing to establish a renal dialysis facility must document that a written affiliation agreement or arrangement is in effect for the provision of inpatient care and other hospital services. Documentation shall consist of copies of all such agreements. This criterion shall not be applicable to existing renal dialysis facilities that are relocating or adding stations.
- fl) Self-Care and Home Dialysis Training--Review Criterion. The applicant proposing to establish a renal dialysis facility must document that a written document that self-care dialysis, self-care instruction, home dialysis and home training will be provided at the applicant facility or that a written agreement with another facility for the provision of these services exists. Documentation shall consist of a certification that services are provided by the applicant or copies of all agreements for provision of such services. This criterion shall not be applicable to existing renal dialysis facilities that are relocating or adding stations.
- gl) Relocation of Facilities--Review Criterion. This criterion may only be used to justify the relocation of a facility from one location in the planning area to another in the same planning area and may not be used to justify any additional stations. Compliance with this review criterion eliminates the need to address the review criteria in subsections (f) and (d) of this Section. The applicant must document the following:
- 1) that the existing facility has met the occupancy targets detailed in 77 Ill. Adm. Code 1100.630 for the latest 12 month period for which data is available;
- 2) that the proposed facility will improve access for care to the existing patient population; and
- 3) that the existing facility needs to be replaced, as documented by the applicant in order to comply with Section 1110.420(b).
- h) Addition of Stations--Review Criterion. This criterion applies to an existing facility which proposes the addition of stations at the existing site. The applicant must document the following:
- 1) that the existing facility has met the occupancy targets set forth in 77 Ill. Adm. Code 1100.630 for the latest 12 month period for which data is available;
- 2) that there are sufficient additional patients in need of the service to justify using the methodology prescribed in 77 Ill. Adm. Code 1100.630(f); that the facility at the end of the first 12 months of operation will meet the occupancy targets set forth



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4n-77-111-Adm-Code-1100-6907

2) that the proposed project will not adversely impact the workload at any other existing facility within 30 minutes travel time of the applicant facility; and

3) that a need for additional stations exists in the planning area based upon the update to the Inventory of Health Care Facilities in effect at the time of State Board consideration; or that the proposed project is in conformance with the access variance set forth in subsection (c) of this Section.

1) Quality of Care -- Review Criterion. The applicant must demonstrate the following:

- 1) that greater than 65% of its patients achieve a urea reduction ratio (URR) of 0.65 or better; and
- 2) that greater than 65% of its patients achieve a hematocrit level of 31% or better.

(Source: Amended at 23 Ill. Reg. 2987 = 3, effective 1/1/80)

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--  
NON-HOSPITAL BASED AMBULATORY SURGERY

## Section 1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions

a) "Ambulatory Surgical Treatment Center" means any institution, place or building required to be licensed pursuant to the "Ambulatory Surgical Treatment Center Act" [210 ILCS 5] (111-Rev-Stat-1983; ch-111-1/27 para-157-8-i-et-seq.).

b) "Non-Hospital Based Ambulatory Surgery" means a category of service relating to surgery that is performed at ambulatory surgical treatment centers on patients that arrive and are discharged the same day. Ambulatory surgery as the provision of surgical services may require anesthesia or a period of post-operative observation or both on a patient whose inpatient stay is not anticipated as being medically necessary. (See Agency Note-#7)

AGENCY NOTE--#1--O'Donovan--Thomas-R-7--"Ambulatory Surgical Centers Development and Management", Aspen-1976

(Source: Amended at 23 Ill. Reg. 2987 = 3, effective 1/1/80)

## Section 1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This Part

The specific criteria of this Part section will not apply to the following: hospital projects that which will provide ambulatory surgical surgery service and that which will be operated in accordance with the provisions of

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the Hospital Licensing Act. Projects of this type will be reviewed under the General Modernization Review Criteria (Subpart-B) and the General Review Criteria that apply to all projects (Subpart-B).

(Source: Amended at 23 Ill. Reg. 2987 = 3, effective 1/1/80)

## Section 1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

a) "License" -- Review Criterion

Any applicant proposing to establish or modernize a non-hospital-based ambulatory surgery category of service must document compliance or an administrative plan in the case of facilities proposing to establish the service, which would assure compliance with all appropriate licensing regulations of the Agency.

1) "Scope of Services Provided" -- Review Criterion

Any applicant proposing to establish a non-hospital based ambulatory surgical category of service must detail the surgical specialties that which will be provided by the proposed project and whether the project will result in a limited specialty or multi-specialty ambulatory surgical treatment center (ASTC).

1) The applicant must indicate which of the following surgical specialties will be provided at the proposed facility:

- A) Abortions
- B) Anesthesia
- A) Cardiovascular
- B) Dermatology
- C) Gastroenterology
- D) General/Other (includes any procedure that is not included in the other specialties)
- E) Neurological
- F) Obstetrics/Gynecology
- G) Ophthalmology
- H) Oral/Maxillofacial
- I) Orthopaedic
- J) Other
- K) Otolaryngology
- L) Plastic
- M) Podiatry
- N) Thoracic
- O) Urology

2) The applicant must indicate which of the following type of ASTC will result from the proposed project:

- A) Limited specialty ASTC, which provides one or two of the surgical specialties listed in this Section; or
- B) Multi-specialty ASTC, which provides at least three of the surgical specialties listed in this Section. In order to be approved as a multi-specialty ASTC, the applicant must



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document that at least 250 procedures will be performed in each of at least three of the surgical specialties listed in this Section.

AGENCY NOTE: A permit is required for the addition of a surgical specialty by a limited specialty ASTC. Pursuant to information on file with the Agency's licensing program on March 1, 1995, the State Board has classified all existing and approved ASTCs as either limited specialty or multi-specialty. A permit is not required for the addition of a surgical specialty by a multi-specialty ASTC. Ambulatory surgical treatment facilities licensed as of March 1, 1995 shall be classified by the Agency as either limited specialty or multi-specialty based upon the listing of surgical specialties on file with the Agency's licensure program on that date.

b)et "Target Population" -- Review Criterion

Because of the nature of ambulatory surgical treatment, the State Board has not established geographic service areas for assessing need. Therefore, an applicant must define its intended geographic service area and target population. However, the intended geographic service area shall be no less than 30 minutes and no greater than 60 minutes travel time (under normal driving conditions) from the facility's site.

c)et "Projected Patient Volume" -- Review Criterion

1) The applicant must provide documentation of the projected patient volume for each specialty to be offered at the proposed facility. Documentation must include physician referral letters which contain the following information:

- the number of referrals anticipated annually for each specialty;
  - for the past 12 months, the name and location of health care facilities to which patients were referred, including the number of patients referred for each surgical specialty by facility;
  - a statement by the physician that the information contained in the referral letter is true and correct to the best of his/her information and belief; and
  - the typed or printed name and address of the physician, his/her specialty and his/her notarized signature.
- 2) Referrals to health care providers other than ambulatory surgical treatment centers (ASTC) or hospitals will not be included in determining projected patient volume. The applicant shall provide documentation demonstrating that the projected patient volume as evidenced by the physician referral letters is from within the geographic service area defined under subsection (b)et.

d)et "Treatment Room Need Assessment" -- Review Criterion

- Each applicant proposing to establish or modernize a non-hospital based ambulatory surgery category of service must document that the proposed number of operating rooms are needed to serve the

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projected patient volume. Documentation must include the average time per procedure for the target population including an explanation as to how this average time per procedure was developed. The following formula can be applied in determining treatment room need:

$$\frac{\text{Required Treatment Rooms}}{\text{Hrs. of Surgery/Yr.}} = 250 \text{ Days/Yr.} \times 7.5 \text{ Hrs./Day} \times .80^{**}$$

(\*Hours of surgery includes cleanup and setup time and will be based on the projected volume)  
(\*\*80% is the desired occupancy rate)

- There must be a need documented for at least one fully utilized (1,500 hours) treatment room for a new facility to be established. Also, utilizing the formula the application must document the need for each treatment room proposed.

e)et "Impact on Other Facilities" -- Review Criterion

An applicant proposing to change the specialties offered at an existing ASTC or proposing to establish an ASTC must document the impact the proposal will have on the outpatient surgical capacity of all other existing ASTCs and hospitals within the intended geographic service area and that the proposed project will not result in an unnecessary duplication of services or facilities. Documentation shall include any correspondence from such existing facilities regarding the impact of the proposed project, and correspondence from physicians intending to refer patients to the proposed facility. Outpatient surgical capacity will be determined by the Agency, utilizing the latest available data from the Agency's annual questionnaires, and will be the number of surgery rooms for ASTCs and the number of equivalent outpatient surgery rooms for hospitals. Equivalent outpatient surgery rooms for hospitals are determined by dividing the total hours of a hospital's outpatient surgery by 1,500 hours.

In addition to documentation submitted by the applicant, the State Agency shall review utilization data from annual questionnaires submitted by such health care facilities and data received directly from health facilities located within the intended geographic service area, including public hearing testimony.

f)et Establishment of New Facilities -- Review Criterion

Any applicant proposing to establish an ambulatory surgical treatment center will be approved only if one of the following conditions exists:

- There are no other ASTCs within the intended geographic service area of the proposed project under normal driving conditions; or

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- 2) All of the other ASTCs and hospital equivalent outpatient surgery rooms within the intended geographic service area are utilized at or above the 80% occupancy target; or
- 3) The applicant can document that the facility is necessary to improve access to care. Documentation shall consist of evidence that the facility will be providing services which are not currently available in the geographic service area, or that existing underutilized services in the geographic service area have restrictive admission policies; or
- 4) The proposed project is a co-operative venture sponsored by two or more persons at least one of which operates an existing hospital. The applicant must document:
- A) that the existing hospital is currently providing outpatient surgery services to the target population of the geographic service area;
- B) that the existing hospital has sufficient historical workload to justify the number of operating rooms at the existing hospital and at the proposed ASTC based upon the Treatment Room Need Assessment methodology of subsection (d) of this Section;
- C) that the existing hospital agrees not to increase its operating room capacity until such time as the proposed project's operating rooms are operating at or above the target utilization rate for a period of twelve full months; and
- D) that the proposed charges for comparable procedures at the ASTC will be lower than those of the existing hospital.
- g) **Charge Commitment -- Review Criterion**  
In order to meet the purposes of the Act which are to improve the financial ability of the public to obtain necessary health services and to establish a procedure designed to reverse the trends of increasing costs of health care, the applicant shall include all charges except for any professional fee (physician charge). [20 ILCS 3960/2] The applicant must provide a commitment that these charges will not be increased, at a minimum, for the first two years of operation unless a permit is first obtained pursuant to 77 Ill. Adm. Code 1130.310(a).

h) **Change in Scope of Service -- Review Criterion**

Any applicant proposing to change the surgical specialties currently being provided by adding one or more of the surgical specialties listed under subsection (a)(b) of this Section must document one of the following:

- 1) that there are no other facilities (existing ASTCs or hospitals with outpatient surgical capacity) within the intended geographic service area which provide the proposed new specialty; or
- 2) that the existing facilities (existing ASTCs or hospitals with outpatient surgical capacity) within the intended geographic service area of the applicant facility are operating at or above

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- the 80% occupancy target; or
- 3) that the existing programs are not accessible to the general population of the geographic service area in which the applicant facility is located.

(Source: Amended at 23 Ill. Reg. 2337-3, effective 1-1-88)

## SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL LONG TERM CARE

## Section 1110.1720 General Long-Term Care--Definitions

- a) "General Long-Term Care" means a classification of categories of service that which provides inpatient levels of care primarily for convalescent or chronic disease adult patients/residents who do not require specialized long-term care services.
- b) The General Long-Term Care Classification includes the following Categories of Services:
- 1) Nursing Category of Service. The Nursing Category of Service provides inpatient treatment for convalescent or chronic disease patients/residents and includes the skilled nursing level of care and/or the intermediate nursing level of care (both as defined in IDPH's the-Agency's Long-Term Care Facilities Minimum Standards, Rules and Regulations).
- 2) Sheltered Care Category of Service. The Sheltered Care Category of Service includes only the sheltered level of care (as defined in the Long-Term Care Facilities Minimum Standards, Rules and Regulations). The State Board notes that persons who have established or are operating unlicensed sheltered care or nursing care facilities are in violation of the provisions of this Act with respect to obtaining a permit and are subject to the sanctions or penalties prescribed by law.

(Source: Amended at 23 Ill. Reg. 2337-3, effective 1-1-88)

## Section 1110.1730 General Long-Term Care--Review Criteria

- a) Facility Size -- Review Criterion. The maximum size of a general long-term care facility is 250 beds, unless the applicant documents that a larger facility would provide personalization of patient care and documents provision of quality care based on the experience of the applicant and compliance with IDPH's the-Agency's licensure standards (77 Ill. Adm. Code: Chapter I, Subchapter c) (Long-Term Care Facilities) over a 2 year period of time.
- b) Community Related Functions -- Review Criterion. The applicant must document cooperation with and the receipt of the endorsement of community groups in the town or municipality where the facility is or



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is proposed to be located, such as, but not limited to, social, economic or governmental organizations or other concerned parties or groups. Documentation shall consist of copies of all letters of support from such organizations.

- c) Zoning -- Review Criterion. The applicant must document one of the following:

- 1) the property to be utilized has been zoned for the type of facility to be developed;
- 2) zoning approval has been received; or
- 3) a variance in zoning for the project is to be sought.

- d) Variances to Computed Nursing Care Bed Need -- Review Criterion

- 1) Defined Population Variance.

A) The applicant must document that the proposed project will service a defined population group of a religious, fraternal or ethnic nature from throughout the entire health service area or from a larger geographic area (hereinafter referred to as the GA) proposed to be served and which includes, at a minimum, the entire health service area in which the facility is or will be physically located. Documentation shall consist of the following:

- i) a description of the proposed religious, fraternal or ethnic group proposed to be served;
- ii) the boundaries of the GA; and
- iii) the number of individuals in the defined population which lives within the proposed GA, including the source of the figures.

- B) In addition, the applicant must document each of the following:

- i) the proposed services do not exist in the GA where the facility is or will be located; and
- ii) the services cannot be instituted at existing facilities within the GA in sufficient number to accommodate the group's needs. The applicant must enumerate each specific service the proposed facility will provide which could not be provided in any of the existing facilities in the GA; the basis for determining why such service could not be provided.

- C) The application must document that the proposed number of beds is needed based upon the target occupancy rate. Documentation shall consist of an identification of the defined population volume; the patient origin of the proposed patients; and a rationale for the utilization projections.

- D) The applicant must document that at least 85 percent of the residents of the facility will be members of the defined population group. Documentation shall consist of written admission policy which insures that the requirements of this subsection will be met.

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- E) The applicant must document that the proposed project is either directly owned, sponsored or affiliated with the religious, fraternal or ethnic group that has been defined as the population to be served by the project. The applicant must provide legally-binding documents which prove ownership, sponsorship or affiliation.

- 2) Continuum of Care Variance

A) The applicant must document that the project will provide a continuum of care for a geriatric population which includes independent living and/or congregate housing (such as unlicensed apartments, high rises for the elderly, and retirement villages) and related health and social services. Such housing complex must be on the same site as the health facility component of the project. Such a proposal must be for the purposes of and serve only the residents of the housing complex and may be developed in one of the following ways:

- i) The proposal may be developed after the housing complex has been established; or
- ii) The proposal may be developed as a part of a total housing construction program, provided that, the entire complex is one inseparable project and that there is a documented demand for the housing and that the licensed beds will not be built first, but will be built concurrently with or after the residential units.

- B) The applicant must also document the following:

- i) That the proposed number of beds are needed. Documentation shall consist of a list of available patients/residents needing the proposed project. The proposed number of beds may not exceed one licensed long-term care bed for every five apartments or independent living units; and
- ii) That its written policies of operation provide that if a resident of the retirement community is transferred to the long-term care unit, the resident will not lose his or her apartment unit or be transferred to another long-term care facility solely because of the resident's altered financial status or medical indigency.

- e) Need Assessment for Sheltered Care Beds -- Review Criterion

An applicant proposing the addition of sheltered care beds must document need as specified in Section 110.230. Each area study must identify the facility's proposed planning or geographic service area (GSA). The geographic service area shall be no less than 30 minutes and no greater than 45 minutes travel time (under normal driving conditions) from the facility's site. The applicant shall identify all existing beds and sheltered care facilities (including those for



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which permits have been granted but that are not operational) that are located within the geographic service area. The area study shall address the historical occupancy for existing facilities and whether beds are available in the area. For existing facilities that have operated below the target occupancy (based upon utilization data reported to IDPH for the latest three calendar years for which data is available), the applicant must document that existing underutilized beds are not available to provide sheltered care services. Documentation includes, but is not limited to, verification that a facility is utilizing bed space for other purposes, restrictive admissions policies, utilization of two bed rooms for private rooms, etc.

## f) Impact of Other Facilities -- Review Criterion

An applicant proposing to add sheltered care beds must document the impact the proposal will have on existing nursing and sheltered care facilities (including those for which permits have been granted but that are not operational) within the geographic service area and that the proposed project will not result in an unnecessary duplication of services or facilities. Documentation shall include evidence that existing facilities have been contacted in writing regarding the proposed project and any correspondence received from such existing facilities regarding the impact of the proposed project.

## g) Discharge Criteria for Sheltered Care -- Review Criterion

An applicant proposing the establishment or addition of sheltered care beds must provide a copy of its resident contract agreement. The contract must document the conditions that will result in the discharge of a resident, such as, but not limited to, a resident posing a serious threat to him/herself or to others, a resident not being able to communicate his or her needs, or a resident who needs continual nursing care for an extended period of time. In addition, the applicant must provide the facility's policy regarding discharge of residents who no longer have sufficient financial resources to remain in the facility.

## h) Affiliation or Nursing Care Referral for Sheltered Care -- Review Criterion

An applicant proposing the establishment or addition of sheltered care beds must document the following:

- 1) the sheltered care beds are located in a facility that is or will be licensed to provide nursing care services; or
  - 2) a policy for the transfer of residents who require nursing care has been established that provides the resident and/or the family or guardian with a selection of nursing facilities, at least one of which is located in the geographic service area, that have established a formal transfer or referral agreement with the applicant.
- i) Community Service Requirements for Sheltered Care -- Review Criterion
- An applicant proposing the establishment or addition of sheltered care beds must provide services to the community such as, but not limited

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to, the following: educational and activities programs, meals on wheels, adult day care, screening services, etc.

## j) Assurance Requirements for Sheltered Care -- Review Criterion

An applicant proposing the establishment, addition, or modernization of sheltered care beds must certify that the sheltered care beds will not be converted to nursing care until at least five years after the date of project completion. Such assurance shall apply to subsequent facility owners or operators.

## k) Minimum Beds and Size for Sheltered Care Facilities -- Review Criterion

The applicant must document that a facility that is or will be licensed solely for sheltered care will contain at least 60 sheltered care beds if the proposed project is located in a metropolitan statistical area. In addition, the minimum gross square footage (GSF) allocation for new sheltered care facilities shall be at least 450 GSF per bed.

## l) Staffing -- Review Criterion

Applicants must document that the supply of manpower currently available in the area is sufficient to meet the health service needs in that area. Documentation should include, but is not limited to, letters from employment services in the area indicating the number of potential health care employees on their rolls; letters from local health departments, in whose jurisdiction the applicant is located, indicating the availability of personnel in the planning area; actual applications for employment on file with the applicant; and surveys performed by persons other than the applicant regarding the availability of manpower.

(Source: Amended at 23 Ill. Reg. effective

2987, effective

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--  
SPECIALIZED LONG-TERM CARE

## Section 1110.1820 Specialized Long-Term Care--Definitions

"Specialized Long-Term Care" means a classification consisting of categories of service which provides inpatient care primarily for children (ages 0 through 21) or inpatient care for adults who require specialized treatment and care because of mental or developmental disabilities. The Specialized Long-Term Care Classification includes the following Categories of Services:

- a) Chronic Mental Illness (M.I.) Category of Service. The Chronic Mental Illness (M.I.) Category of Service includes levels of care provided to severely mentally ill clients in a structured setting in a psychiatric unit of a general hospital, in a private psychiatric hospital, or in a state-operated facility primarily

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in order to facilitate the improvement of their functioning level, to prevent further deterioration of their functioning level, or, in some instances to maintain their current level of functioning.

b) Long-Term Care for the Developmentally Disabled (Adult) Category of Service. This Category of Service includes levels of care for Developmentally Disabled adults as defined in the Illinois Mental Health and Developmental Disabilities Code (including those facilities licensed as ICF/DD or Intermediate Care Facilities for the Developmentally Disabled) which provide an integrated, individually-tailored program of services for developmentally disabled adults and which provides an active, aggressive, and organized program of services directed toward achieving measurable behavioral and learning objectives. (See Agency-Note #1)

i) Also included in this Category of Service are those facilities licensed as Intermediate Care Facilities for the Developmentally Disabled of Fifteen (15) Beds or Less. All residents admitted to or kept in such facilities must be ambulatory and be able to move about without assistance and must be able to take action for self-preservation under emergency situations. (See Note-1)

2) Developmental Disabilities (B-D) shall have the definition as prescribed in the Illinois Mental Health and Developmental Disabilities Code.

c) Long-Term Care for the Developmentally Disabled (Children) Category of Service. This Category of Service includes levels of care for Developmentally Disabled Children and is limited to those residents ages 0 through 21 years and whose condition meets the definition of "Developmental Disabilities" (as defined in the Illinois Mental Health and Developmental Disabilities Code above).

d) Long-Term Medical Care for Children Category of Service. The Long-Term Medical Care for Children Category of Service includes long-term medical services which are provided to those patients/residents ages 0-18 years and which provides for residents suffering from chronic medical disabilities.

AGENCY---#1---Minimum Standards, Rules, and Regulations for the Classification and Measure of Intermediate Care Facilities for the Developmentally Disabled.

(Source: Amended at 23 Ill. Reg. 2987, effective 4/1/79)

Section 1110.1830 Specialized Long-Term Care--Review Criteria

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a) Facility Size -- Review Criterion. The maximum unit size is 100 beds, unless the project is for a State-operated facility or for the long-term medical care for children Category of Service.

b) Community Related Functions -- Review Criterion. The applicant must document the written endorsement of community groups including the following:

1) a detailed description of the steps taken to inform and receive input from the public, including those community members who live in close proximity to the proposed facility's location;

2) endorsements from social service, social, and economic organizations; and

3) support from municipal officials and other elected officials representing the area in which the proposed facility is located.

c) Availability of Ancillary and Support Programs -- Review Criterion. An applicant proposing the establishment of an ICF/DD facility of 16 beds or fewer must document that the community has the necessary support services available to provide care to the proposed facility's residents. Such documentation must include:

1) a copy of the letter, sent by certified mail, return receipt requested, to each of the day programming programs in the area informing them of the proposed project and requesting their comments regarding the impact of the proposed project upon their programs. The applicant shall also provide copies of the responses received from these letters;

2) a description of the transportation services available to the proposed residents;

3) a description of the specialized services, other than day programming, available to the proposed residents;

4) a description of the availability of community activities for the proposed facility's residents, e.g., movie theaters, bowling alleys, etc.; and

5) documentation of the availability of a community workshop to serve the residents.

d) Recommendations from State Departments -- Review Criterion. An applicant proposing a facility for the developmentally disabled must document contact with the Department of Human Services Mental Health and Developmental Disabilities and the Department of Public Aid. Documentation must include proof that a request has been submitted to each Department requesting that each Department determine the project's consistency with the long-range goals and objectives of the Department and requesting the identification of individuals in need of the service. The Departments' responses should address, on both a Statewide and a planning area basis, whether the proposed project meets the Department's planning objectives regarding the size, type, and number of beds proposed, whether the project conforms or does not conform to each Department's plan, and how the project assists or hinders each Department in achieving its planning objectives. Such a request must be made by certified mail return receipt requested and



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must occur within a 60-day period prior to the submission of this application.

- e) Long-Term Medical Care for Children Category of Service (Only) -- Review Criterion. The applicant must document the following:
  - 1) the planning area served by the facility and the size of the specialized population ages 0-18 years to be served within that geographic area. Documentation must include, but is not limited to, any reports or studies showing the points of origin of patients/residents admitted to the facility, preferably for the latest 12 month period for which data is available;
  - 2) identification of the special programs and/or services to be provided or currently offered by the applicant and the relationship of such programs to the needs of the specialized population (as outlined above);
  - 3) insufficient service capability currently exists to meet this need; and
  - 4) the number of beds in the proposed project is needed by providing documentation that the proposed project will achieve, within the first year of operation, an occupancy of at least 90 percent.
- f) Zoning -- Review Criterion. The applicant must document that:
  - 1) the property to be utilized has been zoned for the type of facility to be developed; or
  - 2) zoning approval has been received; or
  - 3) a certificate of need is required by the local zoning authority before zoning can be approved. Such documentation shall include a letter from the appropriate zoning official indicating that such a requirement exists.
- g) Establishment of Chronic Mental Illness -- Review Criterion. Documentation shall consist of a narrative statement detailing the scope of system changes which have brought about the need for the project and historical utilization of facilities involved. The applicant must document that:
  - 1) all beds will be operated by the State of Illinois;
  - 2) the resident population and type of resident/patient served has changed, necessitating the establishment or expansion of services in order to meet the needs of the facility's residents;
  - 3) the project represents redistribution of existing beds from another facility due to closure of the facility or unit; and
  - 4) admissions from the general public have increased over the last two-year period and the expansion is necessary in order to adequately serve the residents of the facility and the general public.
- h) Establishment of Beds, Developmentally Disabled (Adult) Category of Service -- Review Criterion. Any proposed project to establish a facility of 16 beds or fewer must be located in a planning area where a need for additional beds is calculated using the formula shown in 77 Ill. Adm. Code 1100.670, unless the applicant can document compliance with the requirements for a variance to the computed bed need in

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- i) subsection (i) of this Section.
 

Variance to Computed Bed Need for Establishment of Beds, Developmentally Disabled (Adult) Category of Service, for Placement of Residents From Department of Human Services (DHS) Mental-Health-and-Developmental-Disabilities-(BMHDB) Operated Beds -- Review Criterion. The applicant must document all of the following:

  - 1) That each of the residents proposed to be served:
    - A) currently resides in a DHSBMHDB-operated facility and has at least one interested family member residing in the proposed planning area; or has an interested family member who resides out-of-state within 15 miles of the proposed planning area boundary; or
    - B) has resided in a DHSBMHDB-operated facility physically located in the proposed project's planning area for at least the last 2 years, and the consent of the resident's legal guardian has been obtained for the relocation.
  - 2) All of the existing 16-bed or fewer facilities in the planning area are occupied at or above the 93% target occupancy rate or such facilities have refused to accept residents referred from DHSBMHDB-operated facilities. Documentation of each refusal must include the following:
    - A) a letter from DHS BMHDB stating the number of times in the last 12 months the facility or facilities have refused to accept referrals of DHSBMHDB-operated facility residents, including the name of the facility, the date of the refusal, and the reason(s) cited for such refusals, if any;
    - B) a copy of the letter, sent by certified mail return receipt requested, to each of the underutilized facilities in the area asking if they accept referrals from DHSBMHDB-operated facilities, listing the dates of each past refusal, and requesting an explanation of the basis for the refusal in each instance;
    - C) copies of the responses to the above letters; and
    - D) a letter from DHS BMHDB indicating that each of the residents to be referred to the proposed facility have been refused admission at all of the other 16-bed or fewer facilities in the planning area.
  - 3) That the proposed relocation of a resident will result in cost savings to the State.<sup>7</sup>
  - 4) That the facility will only accept future referrals from the DHSBMHDB-operated facility in the planning area if a bed is available.<sup>7</sup> and
  - 5) An explanation of how the proposed facility conforms with or deviates from the DHS BMHDB comprehensive long range development plan for developmental disabilities services.
- j) State Board Consideration of Public Hearing Testimony -- Review Criterion. If public hearing testimony is presented that which indicates that one or more facilities in the planning area have



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available beds, and are willing to accept DHS BMHBB referrals, IDPH the--State--Agency shall notify DHS BMHBB and request that DHS BMHBB contact the facility or facilities and attempt to place residents in such beds, thereby reducing the need for the proposed additional beds. DHS BMHBB shall notify IDPH the--State--Agency of the results of these placement efforts within 45 days after the date of IDPH the--State--Agency advice. If DHS' BMHBB's response is not received by IDPH the State--Agency within the specified time period, IDPH the--State--Agency shall assume that the patients were placed appropriately and that the need for such additional beds no longer exists. If the existing facility(ies) refuses to accept such referrals, IDPH the--State--Agency shall be notified by DHS BMHBB of the refusal and of any rationale for the refusal provided to DHS BMHBB by the refusing facility. This material shall then be forwarded to the Board for its consideration. The review period set forth in 77 Ill. Adm. Code 1130.610(b) may be extended by IDPH the--State--Agency for a period not to exceed 60 days.

(Source: Amended at 23 Ill. Reg. 2987, effective 10/1/82)

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--  
INTRAOPERATIVE MAGNETIC RESONANCE IMAGING

## Section 1110.1910 Introduction

Subpart T contains Review Criteria which pertain to the Intraoperative Magnetic Resonance Imaging category of service. These Review Criteria are utilized in addition to the "General Review Criteria" outlined in Subpart C and any other applicable Review Criteria outlined in Subparts D and E.

(Source: Amended at 23 Ill. Reg. 2987, effective 10/1/82)

## Section 1110.1920 Intraoperative Magnetic Resonance Imaging--Definitions

"Intraoperative Magnetic Resonance Imaging" means a category of service that utilizes an Intraoperative Magnetic Resonance Imaging machine. The machine is used simultaneously with a surgical or diagnostic procedure and allows free access to the patient from all sides, while enabling the operator to obtain high-resolution images in any desired plane in real time.

a) "Magnetic Resonance" means the use of a--category--of--service--which utilizes--the magnetic spin properties of certain atomic nuclei to visualize and analyze tissue. Magnetic--Resonance--includes--both magnetic--resonance--imaging--and--magnetic--resonance--spectroscopy.

b) "Magnetic Resonance Imaging" means a category--of--medical diagnostic

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imaging technique that which uses the magnetic spin properties of certain atomic nuclei to visualize and analyze the body tissues.

c) "Magnetic-Resonance-Spectroscopy"--means--the--use--of--magnetic--spin properties--of--certain--atomic--nuclei--to--perform--chemical--analysis--of tissues.

d) "Research-Protocol"--means--a--document--outlining--a--hypothesis--to--be tested--and--the--procedures--used--to--select--patients--for--imaging--or spectroscopy. The protocol must have a purpose clearly stated and a method outlined to test the hypothesis presented. It also must detail the number of patients needed for a meaningful result. The procedures to be followed to acquire the data and a patient informed consent must be included.

AGENCY NOTE: A permit is required for the acquisition of an Intraoperative Magnetic Resonance (MR) Imaging machine. If a person or healthcare facility wishes to acquire a standard MR machine (one that is not considered Intraoperative) and the cost of the machine is above the major medical equipment threshold, an exemption or permit for the acquisition must be obtained from the State Board.

(Source: Amended at 23 Ill. Reg. 2987, effective 10/1/82)

## Section 1110.1930 Intraoperative Magnetic Resonance Imaging--Review Criteria

a) Location -- Review Criterion "Selection--of--Equipment"-----Review Criterion  
The applicant must document that the equipment will be located in a hospital. An applicant must document that the MR device selected (type of magnet, size of magnet, type of unit) for use is the most appropriate in terms of anticipated utilization and case mix desired quality of image and access to necessary supplies (reagents).

1) that is an affiliated teaching facility of a medical school (a copy of a letter selecting the location from the Dean (or a designated representative) of a College of Medicine will constitute sufficient documentation); or

2) that has been selected to be the location for a State or national research study that evaluates the efficacy of the intraoperative magnetic imaging scanner (a copy of a letter approving the selection of the location from the entity that is sponsoring the research study will constitute sufficient documentation).

b) Surgical Volume -- Review Criterion "Location"-----Review Criterion  
The applicant must document that a minimum of 10,000 hours of surgery for each of the last two years has been performed at the hospital selected to be the location of the equipment. Documentation will be based upon the latest available data from IDPH's annual questionnaires. Any applicant proposing to acquire an MR piece of equipment must document that:

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- 1) Patient-safety-is--ensured-by-equipment-placement-in-a-location where-it-will-have-no-effect-upon-patients-with-sensitive electronic-devices-such-as-pacemakers;
- 2) The-location-is-such-that-there-will-be-no-effect-upon-sensitive electronic-devices-such-as-EKG-BBP-or-computers-etc-;
- 3) The-location-is-accessible-to-all-patients-and-appropriate emergency-medical-procedures-are-available;
- 4) The-location-is-such-that-the-structural-integrity-of-the building-in-which-it-will-be-located-is-not-at-risk-and
- 5) The-site-chosen-was-the-most-appropriate-in-terms-of accessibility-and-cost-and-must-also-detail-all-sites-considered for-equipment-placement-and-indicate-why-the-site-was-chosen.

## c) 4) "Unit-Configuration"---Review-Criterion

Any-applicant-proposing-to-acquire-an-MR-piece-of-equipment--must detail-the-square-footage-and-configuration-of-the-MR-unit--The applicant--must-detail-the-square-footage-and-potential-use-of available-space-not-dedicated-to-the-MR-service-included-within-the project---All-non-MR-space-shall-be-evaluated-under-General-Review Criteria-contained-in-Subparts-C-and-any-other-applicable-Review Criteria-outlined-in-Subparts-D-and-E.

## c) 4) "Data" -- Review Criterion

The applicant must document that it will provide utilization data, clinical data, cost data and reports of clinical efficiency in comparison to other forms of diagnostic imaging, as requested by the State Board. A letter stating that, if approved, the applicant will provide all requested data will constitute sufficient documentation.

## e) "Need"---Review-Criterion

The-need-for-MR-equipment-will-be-based-on-ratio-of-one-MR-device-per 4,500-annual-computerized-tomographic-scans-(patient-visits)---The applicant-must-document-that:

- 1) Within-the-latest-12-month-period-a-minimum-of-4,500-computerized tomographic-scans-were-performed-within-the-applicant-institution and--that--the-applicant-has-not-entered-into-a-formal-written referral-agreement-to-transfer-patients-to-another-program(s); Computerized-tomographic-scans-can-not-be-double-counted to justify-more-than-one-piece-of-equipment;-or
- 2) The-health-service-area-as-an-entity-has-produced-a-minimum-of 4,500-computerized-tomographic-scans-over-the-latest-12-month period---in-this-case--the-applicant-must-document-that-a consortium-(joint-ownership)-or-a-multi-institutional-system-will exist-where-patients-will-be-referred-to-the-applicant-facility from--the-consortium-or-system-member-institutions--The-combined computerized-tomographic-scan-volume-of-the-consortium-or-system members--must-exceed-4,500-scans-over-the-latest-12-month-period to-justify-MR-equipment-acquisition---Again-if-a-facility-has signed-a-written-referral-agreement-to-transfer-patients-for-MR services--the-computerized-tomographic-scan-volume-at-that institution-cannot-be-utilized-to-justify-an-MR-service-at

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## f) another-location-

"Multi-Institutional-Systems"---Review-Criterion  
Any-applicant-proposing-the-acquisition-of-an-MR-piece-of-equipment must---document---that---the---applicant-facility---is---a---part---of---a multi-institutional-system-as-defined-in-Section-110-220-or---the reasons-why-such-a-system-arrangement-is-not-feasible-Any-applicant justifying-the-need-for-a-piece-of-equipment-on-the-basis-of---8-9- referral-volume-from-other-health-care-facilities-must-provide-written referral-agreements-from-all-such-facilities-

(Source: Amended NA at 23 Ill. Reg. 208, effective 3-1-83)

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section 110.2130 Positron Emission Tomographic Scanning (P.E.T.) --- Review Criteria

## a) Initial Introduction -- Review Criteria

1) The initial introduction of Positron-Emission Tomographic Scanners will allow the State Board, as well as the areawide health-planning-organizations, the opportunity to study data generated by the initial projects, in order to evaluate the efficacy of this technologically innovative equipment.

2) The Illinois Health Facilities Planning Board has determined that for the period of study and data collection, one piece of this equipment be allocated for each medical school of the Colleges of Medicine within the State.

b) Appropriate Medical and Related Services to be Provided -- Review Criteria

1) Training and Medical Education  
Institutions must have on their staff board certified physicians who will participate in the evaluation of P.E.T. Scanners.

2) Support Services

Because P.E.T. services should complement other diagnostic modalities P.E.T. scanners shall be located at facilities offering a full range of diagnostic modalities, including but not limited to: ultrasound, nuclear medicine, TCT scanning, radionuclide procedures and conventional diagnostic x-ray. A nuclear medicine facility wishing to participate in P.E.T. evaluation must be a full service facility.

3) Board Certified Nuclear Medicine Physician and Radiation Physicist

A) The applicant must have on staff a board certified or board eligible physician specializing in nuclear medicine and a staff physicist with expertise in nuclear medicine to assure the quality and safety of the P.E.T. equipment.



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B) A "staff radiation physicist" is defined in the Rules of the State Board, as "a person who is a graduate physicist, and is either certified, or eligible for certification, by the American Board of Radiology or its equivalent, or who is a graduate physicist with equivalent training and experienced to that degree required by the American Board of Radiology."

c) Multi-Institutional Systems -- Review Criterion

The applicant must document that the proposed project will result in the establishment of a multi-institutional system with regard to the utilization of Positron Emission Tomographic Scanners. Such documentation may include copies of letters or signed agreements with other facilities stating that those facilities will utilize this equipment by the referral of patients.

d) Location -- Review Criterion

Due to the fact that P.E.T. Scanners are innovative equipment it will be the policy of the State Board that such pieces of equipment be located at an affiliated teaching facility of the State's medical schools in order to evaluate medical efficacy. The applicant must document that the medical school has recommend the institution in which the equipment is to be located. A copy of a letter from the Dean of the appropriate College of Medicine (or his representative) will constitute sufficient documentation.

e) Data Collection -- Review Criteria

- 1) IDPH The-State-Agency shall collect data from all available sources for purposes of studying the efficacy of this equipment.
- 2) The applicant must document that it will provide utilization data, clinical data, and reports of clinical efficacy in comparison to other forms of diagnostic modalities as requested by IDPH the-State-Agency. The applicant must also document that it will provide a representative from the institution as a liaison to the State Board for the purposes of data collection. A letter stating that, if approved, the applicant will participate by providing required data, will constitute sufficient documentation.

(Source: Amended at 23 Ill. Reg. 2987, effective July 1, 1986)

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL  
SHOCK WAVE LITHOTRIPSY

Section 1110.2210 Introduction (Repealed)

Subpart--W--contains--Review-Criteria--which--pertain--to--the--Extracorporeal-Shock Wave-lithotripsy--category--of--service--These--review--criteria--are--utilized--in addition--to--the--General-Review-Criteria--outlined--in--Subpart-C--and--any--other applicable-Review-Criteria--outlined--in--Subparts-B--and--E.

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(Source: Repealed at 23 Ill. Reg. 2987, effective July 1, 1986)

Section 1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions  
(Repealed)

"Extracorporeal-Shock-Wave-Gall-Stone-lithotripsy"--means--shock--waves induced--from--outside--the--body--to--destroy--gall--stones.

"Extracorporeal--Shock--Wave--lithotripsy"--means--a--category--of--service which--utilizes--shock--waves--induced--from--outside--the--body--to--destroy kidney--for--other--stones.

"Extracorporeal--Shock--Wave--lithotripters"--are--those--pieces--of equipment--which--exert--high--pressure--on--kidney--for--other--stones--by means--of--shock--waves--introduced--from--outside--of--the--body--so--that--the stones--crumble--into--sand--grain--sized--particles.

(Source: Repealed at 23 Ill. Reg. 2987, effective July 1, 1986)

Section 1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria  
(Repealed)

a) Initial-Introduction-of-Equipment--Review-Criteria

- 1) It--is--determined--that--approximately--5000--candidates--for--kidney stone--extracorporeal--shock--wave--lithotripsy--would--occur--annually--
- 2) The--Illinois--Health--Facilities--Planning--Board--has--determined--that six--pieces--of--equipment--designed--to--treat--kidney--stones--are sufficient--to--meet--the--needs--of--the--Illinois--population.

b) Location--Review-Criterion

Due--to--the--large--population--needed--to--generate--sufficient--kidney--stone case-load--for--machine--efficiency--it--is--essential--that--proposed locations--for--kidney--stone--lithotripsy--be--geographically--accessible--to a--population--group--of--at--least--2--million--persons--in--order--to--achieve accessibility--four--machines--shall--be--located--in--the--Chicago--S.M.S.A (within--the--Chicago--City--limits)--and--two--downstate--in--locations--which will--serve--a--population--of--2--million--persons--who--currently--are unserved--by--existing--equipment--An--unserved--population--shall--be considered--those--individuals--who--reside--outside--the--primary--market area--of--existing--kidney--lithotripter--services.

c) Multi-Institutional-Systems--Review-Criterion

Due--to--the--large--primary--markets--for--equipment--for--both--kidney--stone and--gall--stone--lithotripsy--services--it--is--essential--that--no restrictions--on--access--be--established--by--the--applicant--The--applicant proposing--to--acquire--a--lithotripter--must:

- 1) contact--those--facilities--within--its--primary--market--a--geographic area--reflecting--at--least--80--percent--of--all--hospital--admissions



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utilizing--the--equipment--in--an--effort--to--establish--formal referral agreements--if such a system cannot be accomplished--the applicant must indicate why a multi-institutional system cannot be established--and

2) contact--those--facilities--which--are--located--within--the--estimated primary market area--of--the--innovative--equipment--indicating--the availability--of--the--equipment--and--a--contact--person--to--discuss patient admission--for--the--service--and

3) indicate--in--writing--to--the--State--Agency--admission--policies--for--the--service--procedures--for--acceptance--of--referrals--and--a statement--insuring--that--no--restrictive--admission--policies--will--be established.

## d) Staffing-Review-Criterion

The applicant must document--the--number--type--and--professional qualifications--of--all--personnel--involved--with--the--operation--of--the equipment--Also--the--applicant--must--document--the--availability--of surgical support--for--the--removal--of--stones--and--organ--repair.

## e) Data-Collection--Review-Criterion

1) The--State--Agency--shall--collect--data--from--all--available--sources for purposes--of--studying--the--efficacy--of--this--equipment.

2) The--applicant--must--document--that--it--will--provide--utilization data--clinical--data--and--reports--of--clinical--efficacy--in comparison--to--other--forms--of--treatment--The--applicant--must--also document--that--it--will--provide--a--representative--from--the institution--as--a--liaison--to--the--State--Board--for--purposes--of annual--data--collection--A--letter--stating--that--if--approved--the applicant--will--participate--by--providing--the--required--data--and representative--will--constitute--sufficient--documentation.

(Source: Repealed at 23 Ill. Reg. 2987.3, effective

## SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--SELECTED ORGAN TRANSPLANTATION

## Section 1110.2320 Selected Organ Transplantation--Definitions

- a) The selected organ transplantation service means a category of service relating to the surgical transplantation of any of the following human organs: heart, lung, heart-lung, liver, or pancreas, or intestine and small bowel. It does not include bone marrow or cornea transplants.
- b) A selected organ transplantation center means a hospital which provides staffing and other adult or pediatric medical and surgical specialty services required for the care of a heart-lung-heart/lung/liver-or-pancreas transplant patient.
- c) "Teaching Institution" for the purpose of this Subpart means a hospital having a major relationship with a medical school as defined and listed in the current "Directory of Residency Training Programs" developed by the American Medical Association, 535 Dearborn, Chicago,

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Illinois 60610 and the National Organ Procurement and Transplantation Network.

(Source: Amended at 23 Ill. Reg. 2987.3, effective 10/1/1992)

## Section 1110.2330 Selected Organ Transplantation--Review Criteria

- a) Establishment of a Program -- Review Criterion
- 1) The applicant must document the following:

A) the applicant is a teaching institution; and

B) the transplantation program will be performed in conjunction with graduate medical education.

2) Documentation shall consist of a written agreement between the applicant and the medical school detailing the relationship of the transplantation program to graduate medical education.

Agency--Note--The applicant must also address the general review criterion on medical education.

b) Physical Facilities -- Review Criterion. The applicant must document sufficient operating and recovery room resources, intensive care resources and personnel to operate the transplant program as reflected in the norms found in Appendix B of this Part 1110.

c) Access to Donor Organs -- Review Criterion. The applicant must document access to donor organs. This must be accomplished by membership in the National Organ Procurement and Transplantation Network and in a Regional Organ Procurement Agency.

d) Recipient Selection -- Review Criterion. The applicant must provide a copy of its procedures for selecting transplant candidates and distribution of organs.

e) Surgical Staff -- Review Criterion. The applicant must document that the facility has on staff transplant surgeon(s) certified in the applicable specialty and that each has had a minimum of one year of training and experience in transplant surgery, post-operative care, long-term management of organ recipients and the immunosuppressive management of transplant patients. Documentation shall consist of certification by the hospital administrator that the personnel with the appropriate certification and experience are on the hospital staff.

f) Collaborative Support -- Review Criterion. The applicant must document collaboration with experts in the fields of hepatology, cardiology, pediatrics, infectious disease, nephrology with dialysis capability, pulmonary medicine with respiratory therapy support, pathology, immunology, anesthesiology, physical therapy, and rehabilitation medicine. Documentation of collaborate involvement shall include, but not be limited to, a plan of operation detailing the interaction of the transplant program and the stated specialty areas.

g) Ancillary Services -- Review Criterion. The applicant must document

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on site access to microbiology, clinical chemistry, radiology, blood bank and resources required to monitor use of immunosuppressive drugs. The applicant must also have access to tissue typing services and be able to provide psychiatric and social counseling for the transplant recipient and for their families.

- h) Data -- Review Criterion. The applicant must document that information on finances (cost and charges) ~~and on--graft~~ and patient outcomes will be provided to the Department of Public Health.

(Source: Amended at 23 Ill. Reg. 2087, effective 11/1/86)

SUBPART 2: CATEGORY OF SERVICE REVIEW CRITERIA-SUBACUTE CARE HOSPITAL MODEL

## Section 110.2510 Introduction

- a) Subpart 2 of this Part contains review criteria which pertain to the subacute care hospital model category of service. The subacute care hospital model category of service is a demonstration program which is authorized by the Alternative Health Care Delivery Act [210 ILCS 3]. These subacute care hospital model review criteria are utilized in addition to the General Review Criteria contained in Subpart C of this Part and in addition to the Financial and Economic Feasibility Review Criteria contained in 77 Ill. Adm. Code Part 1120. This Subpart also contains the methodology the State Board shall utilize in evaluating competing applications, if any, for the establishment of any subacute care hospital models.

- b) A facility at any time may be caring for subacute patients. A permit must be obtained to establish a subacute care hospital model. Existing hospitals and long-term care facilities providing subacute care are not required to obtain a permit *provided, however, that the facilities shall not hold themselves out to the public as subacute care hospitals* (Section 15 of the Alternative Health Care Delivery Act [210 ILCS 3/15]). Establishment of a subacute care hospital model category of service occurs when a facility holds itself out to the general public as a subacute care hospital. In such instances failure to obtain a permit will result in the application of sanctions as provided for in the Illinois Health Facilities Planning Act (411-Rev-Stat--49917-chr--111-1/27-par--1151-et-seq) [20 ILCS 3960].

- c) As the purpose of the demonstration project is to evaluate the subacute care hospital model for quality factors, access and the impact on health care costs, each applicant approved for the category of service will be required to periodically submit data necessary for evaluating the model's effectiveness.

- d) Applications received for the subacute care hospital model shall be deemed complete upon receipt by IDPH the-State-Agency. Due to the comparative nature of the subacute care hospital model review,

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applicants will not be allowed to amend the application or provide additional supporting documentation during the review process. The application as submitted to IDPH the-State-Agency shall serve as the basis for all standard and prioritization evaluation.

(Source: Amended at 23 Ill. Reg. 2087, effective 11/1/86)

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA-POSTSURGICAL RECOVERY CARE CENTER ALTERNATIVE HEALTH CARE MODEL

## Section 110.2610 Introduction

- a) Subpart AA of this Part contains review criteria which pertain to the postsurgical recovery care center alternative health care model category of service. The postsurgical recovery care center alternative health care model category of service is a demonstration program which is authorized by the Alternative Health Care Delivery Act. These postsurgical recovery care center alternative health care model review criteria are utilized in addition to the General Review Criteria contained in Subpart C of this Part and in addition to the Financial and Economic Feasibility Review Criteria contained in 77 Ill. Adm. Code 1120. This Subpart also contains the methodology the State Board shall utilize in evaluating competing applications, if any, for the establishment of any postsurgical recovery care center alternative health care models.

- b) A postsurgical recovery care center alternative health care model must obtain a certificate of need permit to establish the category of service prior to receiving a license for the service. Failure to obtain such permit will result in the application of sanctions as provided for in the Illinois Health Facilities Planning Act (411-Rev-Stat--49917-chr--111-1/27-par--1151-et-seq) [20 ILCS 3960].

- c) As the purpose of the demonstration project is to evaluate the model for quality factors, access and the impact on health care cost, each applicant approved for the category of service will be required to periodically submit data necessary for evaluating the model's effectiveness. All data requests of this type shall be a component of the semi-annual progress reports required of all permit holders. Data collected shall be provided to the Department of Public Health and the Illinois State Board of Health for use in their evaluation of the model.

- d) Applications received for the postsurgical recovery care center alternative health care model shall be deemed complete upon receipt by the State Agency. All postsurgical recovery care center alternative health care models for the purposes of review shall be considered the establishment of a category of service rather than an addition of beds. Therefore, the 60 day review requirement of 77 Ill. Adm. Code 1130.610(b) for bed projects shall not apply to applications of this

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type. Due to the comparative nature of the postsurgical recovery care center alternative health care model review applicants will not be allowed to amend the application or provide additional supporting documentation during the review process prior to the initial State Board decision. The application, as submitted to IDPH the--State Agency, shall serve as the basis for all standard and prioritization evaluation.

- e) Applications received for the postsurgical recovery care center alternative health care model must be received by IDPH the--State Agency between 8:30 and 5:00 p.m. in--accordance--with--the--following schedule--All--applications--received--by--the--State--Agency--not--in--accord with--this--schedule--shall--not--be--accepted--and--returned--to--the applicant:
- 1) Projects--located--in--the--city--of--Chicago--May--1--127--1995;
  - 2) Projects--located--in--Cook--county--outside--the--city--of--Chicago--May--1--127--1995;
  - 3) Projects--located--in--Kane--Lake--and--McHenry--counties--May--1--127--1995;
  - 4) Projects--located--in--municipalities--as--defined--in--77--Ill--Adm--Code--1100-750--June--1--127--1995;
  - 5) Projects--located--in--rural--areas--as--defined--in--77--Ill--Adm--Code--1100-750--June--1--127--1995;
  - 6) If--the--need--for--the--number--of--models--specified--in--77--Ill--Adm--Code--1100-750--has--not--been--met--following--the--completion--of--State Board--review--of--all--applications--submitted--within--the--above schedule--the--State--Board--shall--not--accept--subsequent applications--for--any--remaining--sites--until--December--31--1995.
- Agency--Note--It--is--the--applicant's--responsibility--to--assure--that--the application--has--been--received--during--the--prescribed--time--frames--and dates--specified.

(Source: Amended at 23 Ill. Reg. 2987, effective

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# Section 1110.APPENDIX B State and National Norms on--Square--Footage--by Department

The following norms are established for gross square footage by department and/or utilization of medical equipment. NOTE: Gross Square Footage indicated as gft(2).

Department	State Norms
Acute Mental Illness Beds	586 gft(2)/Bed (Psych)
Admitting	12.9 gft(2)/Bed (Total)
Ambulatory Care	4.1 Clinic Visits/gft(2) or 667 gft(2)/Treatment Room (based upon 2,000 visits per room)
Ambulatory Surgical Treatment Centers	2,750 gft(2)/Treatment Room (based upon 1,500 hours of surgery per room)
Burn Treatment Beds	596 gft(2)/Bed (Burn)
Cafeteria	18 gft(2)/Bed (Total) or 34 meals/gft(2)
Cardiac Catheterization	1,596 gft(2)/Laboratory
Central Sterile Supply	18 gft(2)/Bed (Total)
Conversion of Hosp. Acute Care Beds to Skilled Care	429 gft(2)/Bed (Total)
Diagnostic Radiology Procedures/gft(2)	1,386 gft(2)/Procedure Room or 5.5 (based upon 6,500 procedures/general x-ray room, 2,000 visits per mammography room, 2,000 visits per ultrasound room, 400 procedures per angiography room, and 2,000 visits per special procedures room (computerized tomography, multi-directional tomography, etc.))
Emergency Room	744.6 gft(2)/Treatment Room (based upon 2,000 visits per treatment room per year) or 3.1 Visits per gft(2)
Food Service	42 Meals/gft(2) or 54 gft(2)/Bed (Total)



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Department	State Norms
Hemodialysis	470 gft(2)/Room
Housekeeping	15.5 gft(2)/Bed (Total)
ICF/DD Facilities - 16 or less	369 gft(2)/Bed (Total)
ICF/DD Facilities Over 16 Beds	564 gft(2)/Bed (Total)
In-service Education	17.0 gft(2)/Bed (Total)
Intensive Care Beds	603 gft(2)/Bed (ICU)
Laboratory (includes blood bank)	225 gft(2)/Full-Time Equivalent or 36 gft(2)/ Bed (Total)
Labor-Delivery- Recovery	23 gft(2)/Bed or 4.6 gft(2)/Procedure or 1975 gft(2)/Needed Delivery Room (based upon 750 Live Births/Delivery Room)
Laundry	22 gft(2)/Bed (Total)
LDRP	1,119 gft(2)/Bed
Maintenance	12.9 gft(2)/Bed (Total)
Medical-Surgical Beds	401 gft(2)/Bed (M-S)
Morque	3.0 gft(2)/Bed (Total)
MRI	3,400 gft(2)/unit (2,000 visits per MRI)
Neonatal-High Risk Beds	355 gft(2)/Bed (Neo)
Newborn Nursery	152 gft(2)/Bed (Obstetrics)
Nuclear Medicine	2.9 Procedures/gft(2) or 1,135 gft(2)/Treatment Room or 11.7 gft(2)/Bed (Total) based upon 2,000 visits per piece of equipment
Nursing Care Facilities	414 gft(2)/Bed (Total)

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Department	State Norms
Obstetric Beds	476 gft(2)/Bed (OB)
Occupational Therapy	4.3 gft(2)/Bed (Total less ICU and OB)
Pediatric Beds	420 gft(2)/Bed (Ped)
Pharmacy	12.0 gft(2)/Bed (Total)
Physical Therapy	7.5 Treatments/gft(2) or 23 gft(2)/Bed (M-S, Peds, Rehab, Burn and LTC)
Radiation Therapy	1.1 Treatments/gft(2)
(Megavoltage Equipment)	(300 treatment courses per year)
Recovery (Surgical)	180 gft(2)/Recovery Station (based upon maximum of 4 stations per needed operating room)
Rehabilitation Beds	588 gft(2)/Bed (Rehab)
Respiratory Therapy	20.5 Procedures/gft(2) or 8.9 gft(2)/Bed
Sheltered Care Facilities	585 gft(2)/Bed (Total)
Social Services	4.5 gft(2)/Bed (Total)
Speech Pathology/ Audiology	1.8 gft(2)/Bed (Total)
Storage	33 gft(2)/Bed (Total)
Substance Abuse Beds	466 gft(2)/Bed
Surgery	2,078 gft(2)/Surgical Room (based upon 1,500 hours of surgery per operating room per year)
1- Surgery	2078--gft(2)/Surgical-Room
2- Recovery (Surgical)	180--gft(2)/Recovery-Station
3- Laboratory-----blood bank	225-----gft(2)/Pul- Equivalent--or--36--gft(2)/Bed {Total}
4- Morgue	3-0--gft(2)/Bed-{Total}

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5-	Diagnostic-Radiology	1306--Procedure--Room--or--5-5 Procedures/gft(2)
6-	Intensive-Care-Beds	603--gft(2)/Bed-(IEB)
7-	Burn-Beds	596--gft(2)/Bed-(Burn)
8-	Pediatric-Beds	420--gft(2)/Bed-(Bed-)
9-	Obstetric-Beds	476--gft(2)/Bed-(OB)
10-	Medical-Surgical-Beds	401--gft(2)/Bed-(M-S)
11-	Acute-Mental-Illness-Beds	506--gft(2)/Bed-(Psych)
12-	Neonatal-High-Risk-Beds	355--gft(2)/Bed-(Neo-)
13-	Substance-Abuse-Beds	466--gft(2)/Bed-(Alc-)
14-	Rehabilitation-Beds	500--gft(2)/Bed-(Rehab)
15-	Labor-Delivery-Recovery	23-----gft(2)/Bed-----4-6 gft(2)/Procedure--or-----1975 gft(2)/Needed--Delivery--Room (BASEB)-----upon-----750-----Live Births/Delivery-Room)
16-	Food-Service	42-----Meals/gft(2)-----54 gft(2)/Bed-(Total)
17-	Pharmacy	12-0--gft(2)/Bed-(Total)
18-	IBRP	1719--gft(2)/Bed
19-	Storage	33--gft(2)/Bed-(Total)
20-	Physical-Therapy	7-5---treatments/gft(2)--or--23 gft(2)/Bed-(M-S)--Peds--Rehab Burn-and-BEC)
21-	Respiratory-Therapy	20-5--Procedures/gft(2)--or-0-9 gft(2)/Bed--(Total--less--Acute Mental-Illness)
22-	Occupational-Therapy	4-3--gft(2)/Bed-(Total-less-IEB and-OB)

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23-	Nuclear-Medicine	2-9--Procedures/gft(2)--or-17195 gft(2)/Treatment-Room--or--11-7 gft(2)/Bed-(Total)
24-	Housekeeping	15-5--gft(2)/Bed-(Total)
25-	Central-Sterile-Supply	10--gft(2)/Bed-(Total)
26-	Radiation-Therapy	2-7--treatments/gft(2)
27-	Cardiac-Catheterization	1596--gft(2)/Laboratory
28-	Ambulatory-Care	4-1---Clinic--Visits/gft(2)--or 667--gft(2)/Treatment-Room
29-	MRI	37400--gft(2)/unit
30-	Newborn-Nursery	152--gft(2)/Bed-(Obstetrics)--or
31-	Social-Services	4-5--gft(2)/Bed-(Total)
32-	Maintenance	12-9--gft(2)/Bed-(Total)
33-	Cafeteria	10--gft(2)/Bed--(Total)--or--34 meals/gft(2)
34-	Laundry	22--gft(2)/Bed-(Total)
35-	Emergency-Room	744-6-----gft(2)/Treatment--Room 3-1--Visits--gft(2)
36-	Ambulatory--Surgical--Treatment Centers	2750--gft(2)/Treatment-Room
37-	Hemodialysis	2-470--gft(2)/Room
38-	Admitting	12-9--gft(2)/Bed-(Total)
39-	Speech-Pathology/Audiology	1-0--gft(2)/Bed-(Total)
40-	Conversion-of-Hosp--Acute--Care Beds-to-Skilled-Care	429--gft(2)/Bed-(Total)
41-	In-service-Education	17-0--gft(2)/Bed-(Total)
42-	IEP/BB-Facilities---16--Beds--or less	369--gft(2)/Bed-(Total)

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- 43- ~~exp/BB~~---Facilities---{over--16 564--gft{2}/Bed-{total}  
Beds}  
44- ~~New-BPE~~-Facilities 414--gft{2}/Bed-{total}

\*Surgical visits and obstetric procedures.

The State Board shall periodically evaluate the norms to determine if revisions should be made. Any revisions shall be promulgated in accordance with the provisions of the Illinois Administrative Procedure Act [15 ILCS 100].

(Source: Amended at 23 Ill. Reg. 2087, effective

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- 1) Heading of the Part: Regulations under the Illinois Business Brokers Act of 1995.
- 2) Code Citation: 14 Ill. Adm. Code 140
- | Section Numbers: | Adopted Action: |
|------------------|-----------------|
| 140.50           | Repeal          |
| 140.51           | Amend           |
| 140.200          | Amend           |
| 140.300          | Amend           |
| 140.304          | Repeal          |
| 140.750          | Amend           |
| 140.800          | Repeal          |
| 140.802          | Repeal          |
| 140.803          | Amend           |
| 140.804          | Repeal          |
| 140.805          | Repeal          |
| 140.806          | Repeal          |
| 140.807          | Repeal          |
| 140.808          | Repeal          |
| 140.810          | New             |
| 140.1150         | New             |
| 140.1152         | New             |
| 140.2110         | Amend           |
| 140.2130         | Amend           |

- 4) Statutory Authority: 815 ILCS 307
- 5) Effective Date of Rules: March 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these adopted amendments contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 24, 1998; 22 Ill. Reg. 13621
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference between proposal and final version: In Section 140.1150, changes were made to include a description of business assets to which the lien applies and state that a Notice of Lien may only be filed by those business brokers in compliance with the statute. Other changes were grammatical.



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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these adopted amendments replace emergency rules currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules:
- Section 140.50 - Repealed because information implemented into the Act.
- Section 140.51 - Amended to delete terms implemented into the Act.
- Section 140.200 - Amended to correct the name of the renewal application.
- Section 140.300 - Amended to delete reference to a Rule that was implemented into the Act and to add the statute cite.
- Section 140.304 - Repealed because information implemented into the Act.
- Section 140.750 - Amended to delete terms implemented into the Act.
- Section 140.800 - Repealed because information implemented into the Act.
- Section 140.802 - Repealed because information implemented into the Act.
- Section 140.803 - Amended to delete information implemented into the Act.
- Section 140.804 - Repealed because information implemented into the Act.
- Section 140.805 - Repealed because information implemented into the Act.
- Section 140.806 - Repealed because information implemented into the Act.
- Section 140.807 - Repealed because information implemented into the Act.
- Section 140.808 - Repealed because information implemented into the Act.
- Section 140.810 - Added to exempt loan brokers from the Business Broker Act if the loan broker is helping to sell the business in the course of getting the client a loan.
- Section 140.1150 - Added to establish the procedure for filing a Notice of Lien.
- Section 140.1152 - Added to establish the procedure for terminating a Notice of Lien prior to the two year termination.

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- Section 140.2110 - Amended to add fees that correspond to Section 10-115 of the Act.
- Section 140.2130 - Amended to provide that the date of the filing of a document is the date of delivery and payment of any fees due to the Department.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Lynda Olson or David Finnigan  
Office of the Secretary of State  
Illinois Securities Department  
Lincoln Tower, Suite 200  
520 South Second Street  
Springfield, IL 62701  
217/785-4932 or 217/785-4947

The full text of the Adopted Amendments begins on the next page:

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## TITLE 14: COMMERCE

## SUBTITLE A: REGULATION OF BUSINESS

## CHAPTER I: SECRETARY OF STATE

## PART 140

## REGULATIONS UNDER THE ILLINOIS BUSINESS BROKERS ACT OF 1995

## SUBPART A: DEFINITIONS

## Section

140.50 Scope of the Law (Repealed)

140.51 Definitions of Terms Used in the Act and the Rules

## SUBPART B: REGISTRATION OF BUSINESS BROKERS

## Section

140.100 Procedures for Registration as a Business Broker Under Section 10-10 of the Act

140.120 Procedures for Withdrawal of Pending Application or Termination of Registration as a Business Broker

140.130 Procedure with Respect to Abandoning Incomplete Applications for Registration as a Business Broker

140.200 Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

140.300 When Disclosure Statement Must Be Provided

140.301 Purpose of Disclosure; Substantial Compliance

140.302 Contents of Disclosure Statement

140.303 Providing the Contract With the Disclosure Statement

140.304 Providing the Contract to Client (Repealed)

## SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

## Section

140.400 Hearings

## SUBPART D: RECORDS

## Section

140.750 Records Required of Business Brokers

## SUBPART E: EXEMPTIONS

## Section

140.800 Previous and Ongoing Agreements or Contracts and Transactions Not Affected (Repealed)

140.801 Burden of Proof

140.802 Exemption for Franchises (Repealed)

140.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant

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## to Section 10-30 of the Act

140.804 Exemption for Attorneys (Repealed)

140.805 Exemption for Certified Public Accountants (Repealed)

140.806 Other Persons Exempt from the Act and This Part (Repealed)

140.807 Transactions Exempt from the Act and This Part (Repealed)

140.808 Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement (Repealed)

140.810 Exemption for Loan Broker Agreements or Contracts from the Business Brokers Act of 1995

## SUBPART F: SERVICE OF PROCESS

## Section

140.1000 Service of Process upon the Secretary of State

## SUBPART G: PROCEDURES FOR BUSINESS BROKER LIENS EVIDENTIARY MATTERS-AND

## NON-BINDING-STATEMENTS

## Section

140.1150 Procedures for Filing a Notice of Lien Under or Amendment to a Notice of Lien Under Section 10-115 of the Act

140.1152 Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

## SUBPART H: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

## Section

140.1200 Request for Non-Binding Statements

## SUBPART I SUBPART-H: PUBLIC INFORMATION

## Section

140.1400 Inspection of Business Broker Records

140.1401 Non-Public Distribution of Information

## SUBPART J SUBPART-I: RULES OF GENERAL APPLICATION

## Section

140.2100 Business Hours of the Securities Department

140.2101 Computation of Time

140.2110 Payment of Fees

140.2120 Place of Filing

140.2130 Date of Filing

140.2140 Requirements as to Proper Form

140.2141 Additional Information

140.2142 Additional Exhibits

140.2143 Information Unknown or Not Reasonably Available

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140.2144 Requirements as to Paper, Printing and Language  
 140.2145 Number of Copies--Signatures  
 140.2190 Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Business Brokers Act of 1995 [815 ILCS 307].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 603, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 67984, effective May 30, 1996, amended at 23 Ill. Reg. 67984, effective 1/1/99.

## SUBPART A: DEFINITIONS

## Section 140.50 Scope of the Law (Repealed)

~~The Illinois Business Broker Act of 1995 [815 ILCS 307] shall apply only when the person engaged or sought to be engaged by the business broker is domiciled in this State or when the company or business sought to be sold has its principal place of business in this State.~~

(Source: Repealed at 23 Ill. Reg. 3059, effective 1/1/99.)

## Section 140.51 Definitions of Terms Used in the Act and the Rules

a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act or Law" means the Illinois Business Brokers Act of 1995 [815 ILCS 307].

"Advertising" means any circular, disclosure statement, advertisement, or other material or any communication by radio, television, pictures or the transmittal or sending or of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Branch Office":

Branch office means any office, residence or other place or

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location in this State where the business of a registered business broker is conducted and which is owned or controlled by, or operated directly, or indirectly for the benefit of, the registered business broker and where the business of the business broker is conducted by a principal, agent or employee for such registered business broker.

The principal office located in this State of the registered business broker shall not be considered a branch office.

Except as otherwise provided in this Section, each office, residence or other place or location where business is being conducted in this State on behalf of a registered business broker shall be considered a branch office for the registered business broker.

~~"Business Broker" is any person who engages in any of the actions specified in Section 10-5.10 of the Act for a fee, commission or other compensation, including a person who promises to procure a buyer for a business or who assists any business in procuring a buyer but does not include a person who is selling a business owned or operated by that person in a one-time transaction, and does not include individuals engaged in business brokering on behalf of a registered business broker, provided that such non-registered individuals have been identified in the registration application of the registered business broker.~~

~~"Client" means any person who has signed a business broker agreement or contract which provides for such person to be represented by the business broker and obligating that person to compensate the business broker under some circumstance.~~

"Date of Filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Dominant Element of a Transaction" as used in Section 10-5.15 and Section 10-80(f)(2) of the Act means any transaction in which (1) 50% or more of the purchase price or 50% or more of the net asset value of the business being sold is real estate; or (2) real estate is an integral part of the business being sold. The



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percentage of the transaction made up of the purchase price or net asset value of the real estate shall be based upon the reasonable expectation of the person potentially acting as a business broker and the client at the time the brokerage contract or agreement for services is entered into; or (3) real estate is the single largest part of the transaction.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

"General Ledger" means any permanently documented accounting system which contains all of the accounts of a business broker indicating all payments and income received from clients and proposed clients kept and made in the ordinary and reasonable course of business. For example, the term includes, but is not limited to, a check register used in the ordinary course of business, and computer accounting program which maintains records in an electronic format.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Insolvency" means the rendering of a business broker financially unable to perform any contractual obligations of its business brokering duties.

"Material, when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Offer or Offer to Sell" includes every attempt to dispose of a business for value or solicitation of an offer to purchase a business.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

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"Ongoing Business" means an existing business that, for at least six months prior to the offer, has been operated from a specific, but not necessarily the same, location, has been open for business to the general public and has substantially all of the equipment and supplies necessary to operate the business.

"Principal" means any officer, director, partner, member, trustee, or manager who is responsible for the supervision and management of the daily business operations in this State of a business broker required to be registered under the Act.

"Proposed Client" means any person who has executed a disclosure statement which he or she received from a business broker and returned or caused to be returned to the business broker.

"Purchaser" means a person who enters into a contract or agreement for the acquisition of a business or a person to whom an offer to sell a business is directed.

"Real Estate" means and includes leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or non-freehold, and whether the real estate is situated in Illinois or elsewhere.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Sale or Sell" means every contract or agreement of sale, contract to sell, or the disposition of a business or interest in a business for value.

"Secretary of State" means the Securities Department of the Office of the Illinois Secretary of State or the Secretary of State or the Securities Director, or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

"Seller" means a person who sells or offers to sell a business or any agent or person who directly or indirectly acts on behalf of such person except that a person acting as a business broker is neither a seller nor buyer.

b) A Section of this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the

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meanings given them in the Act.

(Source: Amended at 23 Ill. Reg. 3053, effective 3/1/93)

### Section 140.200 Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act

- a) If a registered business broker wishes to renew its registration, it shall file with the Securities Department the preprinted a-completed and-current Illinois Form BB04 BB01 together with the renewal application filing and fee, examination fee and branch office fee, if any, as specified in Section 140.2110 of this Part.
- b) Any amendment(s) shall also be filed with the Securities Department within ten business days if any material change occurs in the information that was filed with the Securities Department when the business broker applied for registration.
- c) Any application for renewal of registration of a business broker filed with or fees paid to the Securities Department within 29 days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 140.2110 of this Part.
- d) Upon receipt of the renewal fees the Securities Department shall issue to the business broker proof of renewal as evidence of such registration.

(Source: Amended at 23 Ill. Reg. 3053, effective 3/1/93)

### Section 140.300 When Disclosure Statement Must Be Provided

- a) Except as provided in Section 10-30.5 of the Act ~~Section 140-803-of this-Part~~, a business broker shall provide a disclosure statement, pursuant to Section 10-30 of the Act, which shall be consistent in all material respects with this Section, to any client or proposed client at least seven days before the earlier of:
  - 1) The time such client or proposed client signs a contract for the services of the business broker; or
  - 2) The time the business broker receives any consideration for the contract.
- b) As used in this Part and in the Act, the term "client" does not include a person who is under no obligation to compensate the business broker under any circumstances.
- c) The Secretary of State recommends that business brokers have each client and proposed client sign and date an acknowledgment of receipt when the disclosure statement is provided to clients and proposed clients.

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(Source: Amended at 23 Ill. Reg. 3053, effective 3/1/93)

### Section 140.304 Providing the Contract to Client (Repealed)

~~The client--shall have the right to retain a copy of the executed contract for the services of a business broker--The client's copy of the contract shall be provided to the client when the contract is executed--if feasible and the client so requests--Otherwise, the contract shall be mailed or otherwise sent to the client within one week after the execution thereof--No account number is required on the client's copy of the contract.~~

(Source: Repealed at 23 Ill. Reg. 3053, effective 3/1/93)

## SUBPART D: RECORDS

### Section 140.750 Records Required of Business Brokers

- a) Each business broker agreement or contract shall be given a unique identifying account number and all instruments or documents relating to that agreement or contract must bear this number. Every business broker registered by the Secretary of State shall keep and maintain for a period of six years from the date of its agreement or contract with the client in the business broker's principal office in this State the following records:

- 1) A business broker agreement or contract register that consists of a chronological listing of all business broker agreements or contracts that have been entered into. For each business broker agreement or contract the register shall contain the following:

- A) The account number;
  - B) The date of the agreement or contract;
  - C) The name of the client or proposed client;
  - D) The amount of fees charged, if any; and
  - E) The cost and type of insurance required, if any.
- 2) A file for each client or proposed client shall contain the following:
    - A) The name, address and telephone number of the client or proposed client;
    - B) A copy of the signed business broker agreement or contract;
    - C) A copy of any other papers or instruments used in connection with the business broker agreement or contract that are signed by the client or proposed client, including a copy of the disclosure document required by Section 10-30 of the Act that contains an acknowledged receipt by the client or proposed client; and
    - D) The amount of the business broker's fee that the client has paid; and, if there is an unpaid balance, the status of any

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collection efforts.

No file need be kept for a buyer client or proposed buyer client where no fee, expense reimbursement, retainer or other charge was incurred and no transaction was consummated.

- 3) All receipts from or for the account of clients or proposed clients and all disbursements to or for the account of clients or proposed clients, recorded so that the transactions are readily identifiable.

- 4) A general ledger that shall be posted at least monthly, and a trial balance sheet and profit and loss statement prepared within 30 days after the Secretary of State's request for information.

4.5) A copy of the following:

- A) All advertisements, pamphlets, circulars, letters, articles or communications published in any newspaper, magazine, periodical or the transmittal or sending of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") which discuss the business broker;
- B) Scripts of any recording or radio or television announcement which discuss the business broker; and
- C) Any sales kit or literature used or to be used in solicitation of clients.

- b) Every registered business broker shall preserve during the life of its business organization and of any successor thereto all partnership agreements, certificates or articles and amendments thereto or, in the case of a corporation, all certificates and articles of incorporation or charter or amendments thereto, minute books and stock certificate books.

- c) After a record or other documents have been preserved for two years, an accurate copy on any form of information retrieval device may be substituted therefor for the balance of the required time.

- d) Every business broker registered by the Secretary of State shall maintain within this State, in an easily accessible place, all records required by this Section or the Act. All records required to be maintained under this Section or the Act must be separate or readily identifiable from the records of any other business that is conducted in the office of the business broker. A written request for a waiver of the provisions of this Section may be made to the Secretary of State to permit any registered business broker to maintain any of the records required by this Section or the Act outside the State of Illinois. In determining whether the provisions of this Section should be waived, the Secretary of State shall consider, without limitation, whether the main office of the business broker is outside the State of Illinois or whether the business broker uses all or some of the bookkeeping facilities of some other business broker whose main office is outside the State of Illinois.

- d.5) For the purpose of this Section, if advertisements are made through the use of the United States mail or similar means of delivery, or

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broadcast over radio or television or similar means of broadcast, or transmitted or sent via the Internet then only one representative copy of the advertisement is required to be maintained by the business broker, together with the dates of printing, broadcast or transmission (if known) and the names and addresses of the recipients.

(Source: Amended, at 23 Ill. Reg. 3059, effective 3059)

## SUBPART E: EXEMPTIONS

## Section 140.800 Previous and Ongoing Agreements or Contracts and Transactions Not Affected (Repealed)

All business broker agreements or contracts and transactions between a business broker and its clients or proposed clients which do not comply with the Act or this Part, if entered into prior to January 17, 1996, shall be deemed to be valid and enforceable, notwithstanding this Part or the Act.

(Source: Repealed at 23 Ill. Reg. 3059, effective 3059)

## Section 140.802 Exemption for Franchises (Repealed)

Persons registered pursuant to the Illinois Franchise Disclosure Act of 1987 (815-1565-705) (and their employees) are exempt from the requirements of the Act as to offers and sales in connection with such franchising activities, or assisting any of their franchisees in the offer or sale of a franchise by any such franchisee for its own account regardless of whether the sale is effected by or through such registered persons.

(Source: Repealed at 23 Ill. Reg. 3059, effective 3059)

## Section 140.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 10-30 of the Act

- a) The requirements that a business broker provide a written disclosure statement and wait at least seven days before the client executes a contract with the business broker or before the business broker receives any consideration for the contract shall not apply if:
- i) the client to be represented by the business broker is or has had:

- A) a natural person who has or is reasonably believed by the business broker relying upon this Section to have a net worth or joint net worth with that person's spouse in excess of \$1,000,000 at the time of the execution of the business broker agreement or contract; or



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- B) A natural person who has, or is reasonably believed by the business broker relying upon this Section to have, an income or joint income with that person's spouse in excess of \$200,000 in the most recent fiscal year, or
- C) A company, business or other non-natural person that has, or is reasonably believed by the business broker relying upon this Section to have, a total asset value in excess of \$100,000 and has been in existence for at least nine months and was not formed for the purposes of this subject transaction; or
- B) A company, or business or other non-natural person that has, or is reasonably believed by the business broker relying upon this Section to have, gross revenues or gross sales in excess of \$200,000 in the most recent fiscal year and has been in existence for at least nine months and was not formed for the purposes of the subject transaction; or
- B) A company, business or other non-natural person in which at least 90% of the equity interest is owned, or is reasonably believed by the business broker relying upon this Section to be owned, by persons who meet any of the tests set forth in subsection (a)(1) through (B); (C) or (D) of this Section.
- 2) An attorney reviews the business broker's contract for the client or proposed client.
- b) A business broker shall be entitled to rely upon a statement executed by the client or proposed client that:
- a) the client is in one of the categories enumerated in Section 10-30.5(a)(1) through (5) of the Act subsections (a)(1) through (B) or subsection (a)(2) of this Section. Illinois Form BB02 may be utilized by the business broker for this purpose; or
- b) the client had an attorney review the business broker's contract with the client. Illinois Form BB03 may be utilized by the business broker for this purpose.
- c) The contract provides that the client or proposed client shall be entitled to cancel the contract and receive a refund of any consideration paid for seven days immediately following execution of the contract. The disclosure statement must still be provided to the client or proposed client unless the client or proposed client meets one of the categories enumerated in subsections (a)(1) through (B) or subsection (a)(2) of this Section.

(Source: Amended at 23 Ill. Reg. 3059, effective

## Section 140.804 Exemption for Attorneys (Repealed)

## Section 140.805 Exemption for Certified Public Accountants (Repealed)

Any certified public accountant licensed to practice in Illinois, while engaged in the practice as a certified public accountant and whose service in relation to the business broker transaction is incidental to his or her practice, is exempt from the requirements of the Act.

(Source: Repealed at 23 Ill. Reg. 3059, effective

## Section 140.806 Other Persons Exempt from the Act and This Part (Repealed)

The following persons are exempt from the requirements of the Act and of this Part:

- a) Any person who is selling a business-owned or operated (in whole or in part) by that person in a one-time transaction;
- b) Any person licensed to engage in business as a real estate broker or salesperson in Illinois while rendering services in the ordinary course of a transaction in which a license as a real estate broker or salesperson is required provided that:
- 1) real estate is the dominant element as defined in Section 140-51 of this Part of the transaction; or
- 2) such person reasonably believed that real estate would be the dominant element as defined in Section 140-51 of this Part of the transaction at the time such person was engaged by the client;
- c) Such persons enumerated in Section 10-80(a)(3) of the Act provided that they are not in the business of business brokering; and
- d) Any financial institutions listed in Section 10-80(b) of the Act.

(Source: Repealed at 23 Ill. Reg. 3059, effective

## Section 140.807 Transactions Exempt from the Act and This Part (Repealed)

The following transactions are exempt from the provisions of the Act and this Part:

- a) Any sale or purchase of a business (or any interest therein) where the transaction is a securities transaction involving securities subject to the Illinois Securities Law of 1953 (815 ILCS 5/17) or
- b) Any sale or purchase of a business (or any interest therein) wherein the sale or exchange of real estate is the dominant element as defined in Section 140-51 of this Part of the transaction.

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(Source: Repealed at 23 Ill. Reg. 3059, effective 11/12/1997)

Section 140.808 Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement (Repealed)

~~Any real-estate-broker-or-real-estate-salesperson-who-has-entered-into-a Brokerage-Agreement-or-contract-as-defined-in-the-Illinois-Real-Estate-Bicentennial-Act-(225-ILCS-455)-and-whose-service-in-relation-to-the-business-broker transaction-is-incidental-to-the-performance-of-the-Brokerage-Agreement-is exempt-from-the-requirements-of-the-Act.~~

(Source: Repealed at 23 Ill. Reg. 3059, effective 11/12/1997)

Section 140.810 Exemption for Loan Broker Agreements or Contracts from the Business Brokers Act of 1995

A loan broker agreement or contract, made pursuant to and in compliance with the Illinois Loan Brokers Act of 1995 [815 ILCS 175] between a client and a registered loan broker, which contains a promise by, or obligation of, a loan broker to procure or assist in procuring a loan for business financing or the purchase of a business for the client, is exempt from this Act.

(Source: Added at 23 Ill. Reg. 3059, effective 11/12/1997)

SUBPART G: PROCEDURES FOR BUSINESS BROKER LIENS EVIDENTIARY MATTERS-AND NON-BINDING STATEMENTS

Section 140.1150 Procedures for Filing a Notice of Lien or Amendment to a Notice of Lien Under Section 10-115 of the Act

a) A business broker who is filing a notice of lien must file Form BB115, Notice of Lien, with the Illinois Securities Department, together with the filing fee, as specified in Section 140.2110 of this Part. The form must contain the following information:

- 1) Name of business broker and business broker file number;
- 2) Name of purchaser;
- 3) Name of seller;
- 4) Name of business;
- 5) Description of business;
- 6) Total dollar amount claimed; and
- 7) A detailed description of business assets to which the lien applies that reasonably identifies those assets. The description may include, but is not limited to, addresses, legal

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descriptions, inventory and serial numbers. Failure to describe an asset(s) shall not affect the validity of a lien.

b) The form shall be signed by the business broker or a person authorized to sign on behalf of the business broker, and verified as to the truth and accuracy of information contained in the notice.

c) A business broker may file an amendment to an existing Notice of Lien by filing Form BB115, together with the Amendment to Notice of Lien fee in the amount specified in Section 140.2110 of this Part.

d) A Notice of Lien may not be filed by a business broker who is unregistered or whose registration has been denied, suspended or revoked. A Notice of Lien filed by a business broker whose registration currently or subsequently is denied, suspended or revoked is immediately terminated.

(Source: Added at 23 Ill. Reg. 3059, effective 11/12/1997)

Section 140.1152 Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

a) A business broker may terminate a Notice of Lien filed with the Securities Department prior to the two year termination by filing Form BB115-1, Release of Lien with the Illinois Securities Department within ten business days after the occurrence. If the form is received more than ten business days from the date after the occurrence a late fee in the amount specified in Section 140.2110 of this Part is required. This form must contain the following information:

- 1) Name of business broker and business broker file number;
- 2) Name of purchaser;
- 3) Name of seller;
- 4) Name of business;
- 5) Date Notice of Lien was filed with the Illinois Securities Department; and
- 6) Reason for release and date of such occurrence.

b) The form shall be signed by the business broker or a person authorized to sign on behalf of the business broker, and verified to the truth and accuracy of information contained in the release.

(Source: Added at 23 Ill. Reg. 3059, effective 11/12/1997)

SUBPART J: SUBPART-I: RULES OF GENERAL APPLICATION

Section 140.2110 Payment of Fees

a) Fees under the Act are as follows:

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## Section 10-10

Filing, Examination and  
Registration Fee

\$200(plus \$50 for  
each person  
who is  
engaged in  
business  
brokering on  
behalf of the  
business  
brokerage  
firm in  
excess of  
two)  
\$20 (if in excess  
of 2 branch  
offices in  
this State)

## Branch Office Fee

\$20 (if in excess  
of 2 branch  
offices in  
this State)

## Section 10-20

Renewal Filing and Examination  
Fee

\$200(plus \$50 for  
each person  
who is  
engaged in  
business  
brokering on  
behalf of  
the  
business  
brokerage  
firm in  
excess of  
two)  
\$20 (if in excess  
of 2 branch  
offices in  
this State)

## Renewal Branch Office Fee

\$20 (if in excess  
of 2 branch  
offices in  
this State)

## Renewal Late Fee

\$100(if the  
renewal  
application  
is filed  
within 29  
days  
preceding the  
expiration of  
the current  
registration)

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Business Broker Fee to report  
a change in its form of  
organization or change of  
its name

\$20

Service of Process (when served  
upon the Secretary)

\$10

Section 10-50  
Certificate

\$10

Certified Copy of Document  
Each Page Certified

\$10 plus  
\$ .50

Section 10-115

Notice of Lien

\$50

Amendment to Notice of Lien

\$25

Late Notice of Release

\$25 (if filed more  
than ten business  
days from the  
occurrence)

Non-Binding Statement

\$75

Duplication of Documents  
Each Page Duplicated

\$ .50

Additional fee for payment  
of fee returned to the  
Securities Department  
due to insufficient funds  
or for a similar reason

\$50

- b) All payments of fees, except for payment of administrative fines under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines, in excess of \$500, under the Act, except for a person registered under Section 10-10 or 10-20 of the Act, shall be made by money order, certified check or bank cashier's check.
- c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary of State the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.
- d) The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check, or bank cashier's



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check if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

- e) All payment of fees under the Act shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is not less or more than five dollars of the amount due.

(Source: Amended at 23 Ill. Reg. 3459, effective

## Section 140.2130 Date of Filing

- a) The date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 140.2120 of this Part--or if--a--document--or--fee--is--sent--by--United--States--registered--mail--certified--mail--or--certificate--of--mailing--a--record--authenticated--by the--United--States--Postal--Service--of--such--registration--certification or--certificate--shall--be--considered--competent--evidence--that--the document--or--fee--was--mailed--on--the--date--shown--on--the--record.
- b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

(Source: Amended at 23 Ill. Reg. 3059, effective

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: Proposed Action:  
1650.410 Amending
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- 5) Effective Date of Amendments: February 23, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 4, 1998, 22 Ill. Reg. 20808
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Punctuation and grammatical changes recommended by JCAR were made in the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: The Teachers' Retirement System is amending 80 Ill. Adm. Code 1650.410, presently entitled Refund for Duplicate or Noncreditable Service, to more accurately describe the limited circumstances when a TRS member is eligible to receive a partial return of contributions from the System. The new rule will now be entitled, Return of Contributions for Duplicate or Excess Service. The new rule is also being promulgated to provide a window period ending October 31, 1999, to allow members who have upgraded service credit under the provisions of 40 ILCS 5/16-129.1 to receive a refund without interest for previously purchased optional service which causes the member to exceed the number of years necessary to receive the maximum benefit under 40 ILCS 5/16-133(e).

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- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Thomas S. Gray, Assistant General Counsel  
 Address: Teachers' Retirement System  
 2815 West Washington, P. O. Box 19253  
 Springfield, Illinois 62794-9253  
 Telephone: (217) 753-0375

The full text of the Adopted Amendments begins on the next page:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE D: RETIREMENT SYSTEMS  
 CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
 THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
 TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
 1650.10

Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records

1650.120 Claims Records (Repealed)

1650.130 Individual Accounts (Repealed)

1650.140 Ledger and Accounts Books (Repealed)

1650.150 Statistics (Repealed)

1650.160 Confidentiality of Records

1650.180 Filing and Payment Requirements

1650.181 Early Retirement Incentive Payment Requirements

1650.182 Waiver of Additional Amounts Due

1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

Section

1650.210 Claim Applications

1650.220 Reclassification of Disability Claim (Repealed)

1650.230 Medical Examinations and Investigations of Claims

1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment

1650.250 Death Benefits

1650.260 Evidence of Age

1650.270 Reversionary Annuity - Evidence of Dependency

1650.271 Evidence of Parentage

1650.272 Eligible Child Dependent By Reason of a Physical or Mental

Disability

1650.280 Evidence of Marriage

1650.290 Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

1650.310 Effective Date of Membership

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1650.320 Method of Calculating Service Credits  
 1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit  
 1650.330 Duplicate Service Credit  
 1650.340 Service Credit for Leaves of Absence  
 1650.341 Service Credit for Involuntary Layoffs  
 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy  
 1650.346 Service Credit for Periods Away From Teaching Due to Adoption  
 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement  
 1650.355 Purchase of Optional Service - Required Minimum Payment  
 1650.356 Payroll Deduction Program  
 1650.360 Settlement Agreements and Judgments  
 1650.360 Calculation of Average Salary (Renumbered)  
 1650.370 Definition of Actuarial Equivalent  
 1650.380 Independent Contractors  
 1650.390  
 1650.391 Optional 2.2 Upgrade of Earned and Credited Service  
 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section  
 1650.410 Return of Contributions Refunds for Duplicate or Excess Service Noncreditable-Service  
 1650.420 Interest on Deficiencies (Repealed)  
 1650.430 Installment Payments (Repealed)  
 1650.440 Small Deficiencies, Credits or Death Benefit Payments  
 1650.450 Definition of Salary  
 1650.451 Reporting of Conditional Payments  
 1650.460 Calculation of Average Salary  
 1650.470 Rollover Distributions  
 1650.480 Rollovers to the System

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section  
 1650.505 Beneficiary (Repealed)  
 1650.510 Re-entry Into Service  
 1650.520 Suspension of Benefits  
 1650.530 Power of Attorney  
 1650.540 Conservators/Guardians  
 1650.550 Presumption of Death  
 1650.560 Benefits Payable on Death  
 1650.570 Survivors' Benefits  
 1650.575 Full-time Student - Receipt of Survivors Benefits Until Age 22  
 1650.580 Evidence of Eligibility  
 1650.590 Comptroller Offset  
 1650.595 Overpayments

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## SUBPART G: ATTORNEY GENERALS' OPINION

Section  
 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

## SUBPART H: ADMINISTRATIVE REVIEW

Section  
 1650.610 Staff Responsibility  
 1650.620 Right of Appeal  
 1650.630 Form of Written Request  
 1650.640 Prehearing Procedure  
 1650.650 Hearing Procedure  
 1650.660 Rules of Evidence

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section  
 1650.710 Amendments

## SUBPART J: RULES OF ORDER

Section  
 1650.810 Parliamentary Procedure

## SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section  
 1650.910 Summary and Purpose  
 1650.920 Definitions  
 1650.930 Submission of Requests  
 1650.940 Form and Content of FOIA Requests  
 1650.950 Appeal of a Denial  
 1650.960 Executive Director's Response to Appeal  
 1650.970 Response to FOIA Requests  
 1650.980 Inspection of Records at System Office  
 1650.990 Copies of Public Records  
 1650.995 Materials Available Under Section 4 of FOIA

## SUBPART L: BOARD ELECTION PROCEDURES

Section  
 1650.1000 Nomination of Candidates  
 1650.1010 Petitions  
 1650.1020 Eligible Voters  
 1650.1030 Election Materials  
 1650.1040 Marking of Ballots  
 1650.1050 Return of Ballots



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1650.1060 Observation of Ballot Counting  
 1650.1070 Certification of Ballot Counting  
 1650.1080 Challenges to Ballot Counting

## SUBPART M: RETIREMENT BENEFITS

Section  
 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 8, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 23 Ill. Reg. 6330, effective SEP 29, 1999.

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Return of Contributions Refunds for Duplicate or Excess Service Noncreditable-Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, a refund-of such contributions shall be returned to the member made.
- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

or death because the service is determined to be excess service noncreditable--(for--example,--when--the--members--service--record--at retirement--or--death--causes--the--optional--service--to--be--excess--service--based--on--the--statutory--limits--on--the--allowed--proportion--of out-of-system-to-regular-service), then the a-refund-of contributions for such excess service or a portion thereof may upon request shall be returned paid to the member or the member's beneficiaries.

1) The term "excess service" shall mean that period of service that would exceed the number of years of service:

A) necessary for the member to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or

B) allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)].

2) The return of contributions shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].

3) To determine the amount of contributions to be returned to a member pursuant to this Section, the System shall apply the following formula:

A) divide the total cost of all optional teaching service purchased by the member by the total amount of optional teaching service purchased.

B) multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.

C) the resulting figure shall be the amount returned to the member at retirement.

4) No interest shall be payable upon the amount returned.

(Source: Amended at 23 Ill. Reg. SEP 29, 1999 effective SEP 29, 1999)

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Illinois Credit Union Act

2) Code Citation: 38 Ill. Adm. Code 190

3) Section Number: Emergency Action:  
190.20 Amendment

4) Statutory Authority: 205 ILCS 305/65

5) Effective Date of Amendments: February 23, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed with the Index Department: February 23, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is available at the Department of Financial Institutions, James R. Thompson, 100 West Randolph, Suite 15-700, Chicago, Illinois 60601.

9) Reason for Emergency: This amendment must be made to protect the public interest, specifically the constitutional right to due process.

10) A complete description of the Subjects and Issues involved: Current rule fails to incorporate the requirements of the amended Administrative Procedure Act. To settle litigation challenging the rule on due process grounds, the Department of Financial Institutions agreed to propose emergency rules.

11) Are there any proposed amendments pending for this Part? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

13) Information and questions regarding this emergency amendment shall be directed to:

Ms. Elizabeth Byrne  
Chief Legal Counsel  
Department of Financial Institutions  
James R. Thompson Center  
100 West Randolph, Suite 15-700  
Chicago, Illinois 60601

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

## PART 190

## ILLINOIS CREDIT UNION ACT

Section	
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
EMERGENCY	
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Property and Long Term Leases
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits - Other Than First Mortgage Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793, effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 20, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317,

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effective September 15, 1998; emergency amendment at 23 Ill. Reg. **3088** - , effective February 23, 1999.

## Section 190.20 Hearings

EMERGENCY

- a) Upon written request, made within 90 days after any administrative action or regulatory decision, the Director will authorize a formal hearing to review the propriety of administrative actions and regulatory decisions by issuing a notice of hearing made-pursuant-to the-Act.
- b) The notice shall be served personally or by certified or registered mail or as otherwise provided by law upon the parties or their agents appointed to receive service of process and shall include the following:
  - 1) A statement of the time, place, and nature of the hearing.
  - 2) A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - 3) A reference to the particular Sections of the substantive and procedural statutes and rules involved.
  - 4) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number.
  - 5) The names and mailing addresses of the hearing officer, all parties, and all other persons to whom the agency gives notice of the hearing unless otherwise confidential by law.
- c) An opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence and argument.
- d) Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- e) 1) The hearing officer designated by the Director shall be an attorney licensed to practice in Illinois and may--designate--in writing, a hearing-officer who shall have the authority to:
  - A) 1) examine or permit examination of any witness under oath;
  - B) 2) determine the order of appearance of all parties;
  - C) 3) receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
  - D) 4) rule on objections to evidence; and
  - E) 5) make a written report with recommendations to the Director which shall include findings of fact and conclusions of law with respect to the claim. Findings of fact shall be based exclusively on the evidence and on matters officially noticed, and

- 2) 6) Petitioner or respondent may petition the Director to disqualify the appointed hearing officer for bias or conflict of interest by

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presenting the Director with convincing and compelling evidence of the hearing officer's bias or conflict of interest. An adverse ruling shall not constitute bias or conflict of interest require-any-party-or-his-attorney-to-provide-proposed-findings-of fact-or-conclusion-of-law-for-consideration-in-his-report.

f) b) General Provisions.

- 1) When a hearing is scheduled pursuant to this Act, the petitioner or his attorney shall be notified by certified or registered mail, return receipt requested, at least ten days prior to the date set for such hearing. Delivery of notice to the United States Postal Service shall constitute delivery.
- 2) A continuance shall be granted for good cause by the hearing officer Director-or-his-designee which shall be:
  - A) in writing, in duplicate and signed by the petitioner or his attorney and shall state the reasons for the request;
  - B) delivered to the hearing officer Director-or-his-designee at least three days prior to the scheduled hearing.
- 3) For the purposes of this paragraph good cause shall require the Petitioner to demonstrate real and compelling need for additional time. it--shall-include-but-not-be-limited-to-illness--service in-the-armed-forces--etc.
- 4) Failure to attend a hearing shall result in the dismissal of the party's petition and the assessment of the costs for such a hearing upon the party. A person whose petition has been so dismissed shall not resubmit until the assessed costs have been paid. unless--he--successfully--petitions--the--Director--for reconsideration--by--establishing-that-his-failure-to-attend-was occasioned-by-events-beyond-his-control--and--he-exercised-due diligence-to-attend-or-seek-a-continuance.
- 5) Any party to a proceeding may order a court reporter to transcribe the proceeding. If the petitioner makes the request, he shall pay all costs associated with said transcript. If the court reporter is ordered by the hearing officer, any party may purchase a transcript.
- 6) The Director shall assess all costs and attorneys' fees against any party who has unreasonably delayed a proceeding or has filed a claim in bad faith. "Unreasonable delay of a proceeding" shall be determined to exist upon a preponderance of evidence indicating that the petitioner is purposely delaying the hearing either actively or through inattention to detail. A determination of "filing a claim in bad faith" requires a preponderance of evidence that the hearing petition was filed merely to stay Department action with no intent for expeditious resolution of the contested issue.

g) e) Conduct of Hearings.

- 1) The hearing officer shall open the hearing by presenting for the record his letter of authorization from the Director. The petitioner-or-his-attorney-shall-then-present-his--case--and--the



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~~proof--thereof--the proof may include testimony, or any document relevant to the claim.~~

- 2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The hearing officer may admit evidence not admissible under such rules if such evidence could be relevant to the case. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence not admissible under those rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.
- 3) The hearing officer may on his own motion or the motion of one of the parties take notice of matters which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
- 4) No Department employee, or hearing officer shall, after notice of a hearing, communicate with any party or his attorney in connection with any issue in said hearing except upon notice and opportunity for all parties to participate.
- 5) The record of any hearing shall include:
  - A) all pleadings, and evidence received whether admitted or excluded;
  - B) a statement of all matters officially noticed;
  - C) all offers of proof, objections and rulings thereon;
  - D) all proposed findings and exceptions;
  - E) any decision, opinion, or report by the hearing officer;
  - F) any communication prohibited by this rule, although such communication shall not form the basis for any finding of fact;
  - G) any evidence excluded by the hearing officer, even though such evidence is not used in the determination of the claim;
  - H) a proceeding transcript which shall be recorded by such means as to adequately insure the preservation of the testimony.
- 6) Within 90 sixty days after of the hearing or the receipt of all necessary documents, the hearing officer shall report to the Director, pursuant to 38 Ill. Adm. Code 190.20.
- 7) Within 30 thirty days after receiving the report of the hearing officer, the Director shall issue his decision, which shall be

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served on claimant and other parties personally or by registered or certified mail, return receipt requested. Copies of the hearing officer's report to the Director are available upon written request from the petitioner.

- ~~h) d) Petition to Reconsider.~~
- 1) Within 30 thirty days after receipt of the Director's decision, any party may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the manifest weight of the evidence, was contrary to law, or was arbitrary or capricious, and is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.
  - 2) The Director shall determine within 15 fifteen days whether to reconsider the case. If reconsideration is allowed, a hearing shall be held pursuant to this rule and shall be limited to the issues raised by the petition and affidavit. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective February 23, 1999, for a maximum of 150 days)

3090 3091

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3) Section Numbers:      Emergency Action:  
590.10                      Amendments  
590.80                      Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10] and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) Effective Date of Emergency Amendment: March 10, 1999

6) If this emergency amendment is to expire before the end of the 15-day period, please specify the date on which it is to expire: This emergency amendment will remain in effect for the 150-day period.

7) Date filed with the Index Department: March 2, 1999

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Reason for Emergency: Damage to nesting grounds by an overpopulation of light geese constitutes a threat to the public interest in maintaining the unique and fragile tundra area which requires emergency action.

10) A Complete Description of the Subjects and Issues Involved: Allows the hunting of light geese through March 31, 1999 from 1/2 hour before sunrise to 1/2 hour after sunset. Removes the daily bag limit.

11) Are there any proposed amendments to this Part pending: No

12) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate.

13) Information and questions regarding this amendment shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 485  
Springfield IL 62701-1787  
217/782-1809

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

PART 590  
DUCK, GOOSE AND COOT HUNTING

Section  
590.10      Statewide Regulations  
EMERGENCY

590.15      Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed sites Listed in Sections 590.40 and 590.50

590.20      Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

590.25      Illinois Youth Waterfowl Hunting Permit Requirements

590.26      Illinois Youth Duck Hunting Permit Requirements (Repealed)

590.30      Duck, Goose and Coot General Hunting Regulations on all Department-Owned and-Managed Sites (Repealed)

590.40      Check Station Department Sites Only - Duck, Goose and Coot Hunting

590.50      Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

590.60      Various Other Department Sites - Duck, Goose and Coot Hunting

590.70      Ohio River

590.80      Early and Late Goose (all species) Hunting Regulations on EMERGENCY Department Sites

EXHIBIT A      The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill.

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Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. ~~3092~~ <sup>3092</sup>, effective March 10, 1999, for a maximum of 150 days.

## Section 590.10 Statewide Regulations

EMERGENCY

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the

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- Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
  - c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20 and 50 CFR 21) unless the regulations in this Part are more restrictive.
  - d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
  - e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than bismuth BB, tungsten-iron BB, or tungsten-polymer BB when attempting to take waterfowl.
  - f) Emergency Closure
 

The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.
  - g) Closed Areas
 

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.
  - h) Commercial Migratory Waterfowl Hunting Area Permits
    - 1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
    - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.
    - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
  - i) Waterfowl Hunting Zones:
    - 1) North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
    - 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.



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3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

5) South Zone - From the southern boundary of the Central Zone south to the remainder of the State.

6) Rend Lake Quota Zone - all lands and waters in Franklin and Jefferson Counties.

7) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

8) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

j) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset.

k) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

l) The following apply in the Northern and Central Illinois Quota Zones:  
1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.

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3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

n) A special light goose season shall commence statewide March 10, 1999 and end March 31, 1999, inclusive. The hours shall be 1/2 hour before sunrise to 1/2 hour after sunset. Only snow geese, blue geese and Ross's geese may be taken. No daily bag limit, no possession limit.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 3092 effective March 10, 1999, for a maximum of 150 days)

# Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

## EMERGENCY

a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).

2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.

3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.

4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.

5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.

6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.

7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force, and the hunting hours shall be the statewide hours.

b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

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Cache River Natural Area \*

Carlyle Lake Project Lands and Water \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas) \*

Kaskaskia River State Fish and Wildlife Area \*

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall Fish and Wildlife Area \* @

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area \*

Sanganois State Fish and Wildlife Area \* @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area #

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Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

Union County Conservation Area (firing line and controlled hunting area) \*

Woodford Fish and Wildlife Area \* @

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) \* @

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) \* @

d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* @

Braidwood State Fish and Wildlife Area \*

Clinton Lake

Heidecke State Fish and Wildlife Area \*

Kankakee River State Park

Lake DePue Fish and Wildlife Area \*

Lake Siniissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area \*

Pekin Lake Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF EMERGENCY AMENDMENTS

Sangchris Lake State Park \*

Spring Lake Fish and Wildlife Area \*

Starved Rock State Park \*

- e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Sanganois State Fish and Wildlife Area \* @

Stephen A. Forbes State Park \*

Snake Den Hollow \* @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area \*

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## NOTICE OF CORRECTION TO NOTICE ONLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings

Code Citation: 77 Ill Adm Code 855

<u>Section Numbers:</u>	855.5	855.220	855.390	855.475	Appendix A
	855.10	855.230	855.400	855.480	Illustration A
	855.20	855.240	855.410	855.490	Appendix B
	855.25	855.300	855.420	855.500	Illustration A
	855.100	855.310	855.425	855.510	Illustration B
	855.110	855.325	855.430	855.520	Illustration C
	855.120	855.330	855.440	855.600	Illustration D
	855.140	855.350	855.450	855.610	Illustration E
	855.150	855.360	855.460	855.620	Illustration F
	855.160	855.370	855.465	855.630	Illustration G
	855.170	855.380	855.470	855.650	Illustration H
					Illustration I

Date Originally Published in the Illinois Register: 3/13/98

22 Ill Reg 4632

The information being corrected is as follows:

The Sections listed in JCAR's Notice of Objection published in last week's Illinois Register for the rulemaking referenced above contained an error. Section 855.150 was inadvertently omitted. A corrected list of Sections appears in this Notice.



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period August 1, 1998 through October 31, 1998.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; and 22 Ill. Reg. 22423, December 28, 1998.

Chemical: Acenaphthene

Acute criterion: 124 ug/l

Date criteria derived: November 14, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Acetone

Acute criterion: 1,530 mg/l

Date criteria derived: May 25, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acetonitrile

Acute criterion: 375 mg/l

Date criteria derived: December 7, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Acrylonitrile

Acute criterion: 910 ug/l

Human health criterion (HNC): 0.21 ug/l

Date criteria derived: November 13, 1991

Applicable waterbodies:

Not used during this period.

Chemical: Anthracene

Human health criterion (HTC): 35 mg/l

Date criteria derived: August 18, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzene

Acute criterion: 5,200 ug/l

Human health criterion (HNC): 21 ug/l

Date criteria derived: August 15, 1990

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)anthracene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(a)pyrene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(b)fluoranthene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Benzo(k)fluoranthene

Human health criterion (HNC): 0.01 ug/l

Date criteria derived: August 10, 1993

Applicable waterbodies:

Not used during this period.

Chemical: Carbon tetrachloride

Acute criterion: 3,500 ug/l

Human health criterion (HNC): 1.4 ug/l

Date criteria derived: June 18, 1993

Applicable waterbodies:

Not used during this period.

CAS #120-12-7

CAS #71-43-2

Chronic criterion: 416 ug/l

CAS #56-55-3

CAS #50-32-8

CAS # 205-99-2

CAS #207-08-9

CAS #56-23-5

Chronic criterion: 280 ug/l

Chemical: Chlorobenzene  
 Acute criterion: 993 ug/l  
 Date criteria derived: December 11, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: Chloroform  
 Acute criterion: 1,870 ug/l  
 Human health criterion (HNC): 130 ug/l  
 Date criteria derived: October 26, 1992  
 Applicable waterbodies:

Not used during this period.

Chemical: Chrysene  
 Human health criterion (HNC): 0.01 ug/l  
 Date criteria derived: August 10, 1993  
 Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichlorobenzene  
 Acute criterion: 210 ug/l  
 Date criteria derived: December 1, 1993  
 Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichlorobenzene  
 Acute criterion: 500 ug/l  
 Date criteria derived: July 31, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloroethane  
 Acute criterion: 24,900 ug/l  
 Human health criterion (HNC): 23 ug/l  
 Date criteria derived: March 19, 1992  
 Applicable waterbodies:

Not used during this period.

Chemical: 1,1-dichloroethylene  
 Acute criterion: 3,030 ug/l  
 Human health criterion (HNC): 0.95 ug/l  
 Date criteria derived: March 20, 1992  
 Applicable waterbodies:

Not used during this period.

CAS #108-90-7  
 Chronic criterion: 79 ug/l

CAS #67-66-3  
 Chronic criterion: 150 ug/l

CAS #218-01-9

CAS #95-50-1  
 Chronic criterion: 16.8 ug/l

CAS #541-73-1  
 Chronic criterion: 196 ug/l

CAS #107-06-2  
 Chronic criterion: 4,540 ug/l

CAS #75-35-4  
 Chronic criterion: 242 ug/l

Chemical: 2,4-dichlorophenol  
 Acute criterion: 631 ug/l  
 Date criteria derived: November 14, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloropropane  
 Acute criterion: 4,800 ug/l  
 Date criteria derived: December 7, 1993  
 Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichloropropylene  
 Acute criterion: 99 ug/l  
 Date criteria derived: November 13, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol  
 CAS #534-52-1  
 Chronic criterion: 2.3 ug/l

Acute criterion: 28.8 ug/l  
 Date criteria derived: November 14, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol  
 Acute criterion: 85.3 ug/l  
 Date criteria derived: December 1, 1993  
 Applicable waterbodies:

Not used during this period.

Chemical: 2,6-dinitrotoluene  
 Acute criterion: 1,910 ug/l  
 Date criteria derived: February 14, 1992  
 Applicable waterbodies:

Not used during this period.

Chemical: Diquat  
 Acute criterion: 1,330 ug/l  
 Date criteria derived: January 30, 1996  
 Applicable waterbodies:

Not used during this period.

Chemical: Ethylbenzene  
 CAS #100-41-4

Acute criterion: 216 ug/l  
 Date criteria derived: August 15, 1990, revised May 17, 1991  
 Applicable waterbodies:

07120003-0203/off Calumnet-Union DDE  
 07120004-0010/off Des Plaines River  
 07120007-0006/off Fox River  
 07120007-0224/off Paw Paw Run  
 07130001-1159/off Ossami Lake  
 07140101-0006/off Mississippi River  
 07140106-1715/off Granny's Branch

Chemical: Fluoranthene CAS #206-44-0

Human health criterion (HHC): 120 ug/l  
 Date criteria derived: August 10, 1993  
 Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobenzene CAS #118-74-1

Human health criterion (HHC): 0.00025 ug/l  
 Date criteria derived: November 15, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: Hexachlorobutadiene CAS #87-68-3

Acute criterion: 34.5 ug/l  
 Date criteria derived: March 23, 1992  
 Applicable waterbodies:

Not used during this period.

Chemical: Hexachloroethane CAS #67-72-1

Acute criterion: 381 ug/l  
 Human health criterion (HHC): 2.9 ug/l  
 Date criteria derived: November 15, 1991  
 Applicable waterbodies:

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol

Acute criterion: 434 mg/l  
 Date criteria derived: December 1, 1993  
 Applicable waterbodies:

Not used during this period.

Chemical: Methylene chloride CAS #75-09-2

Acute criterion: 17,200 ug/l  
 Human health criterion (HHC): 340 ug/l  
 Chronic criterion: 1,380 ug/l

Date criteria derived: January 21, 1992  
 Applicable waterbodies:

Not used during this period.

Chemical: Methyleneketone CAS #78-93-3  
 Acute criterion: 322,000 ug/l  
 Date criteria derived: July 1, 1992  
 Applicable waterbodies:

Chronic criterion: 26,000 ug/l

Not used during this period.

Chemical: 4-methyl-2-pentanone CAS #108-10-1

Acute criterion: 46 mg/l  
 Date criteria derived: January 13, 1992  
 Applicable waterbodies:

Chronic criterion: 3.68 mg/l

Not used during this period.

Chemical: Naphthalene CAS #91-20-3

Acute criterion: 670 ug/l  
 Date criteria derived: November 7, 1991  
 Applicable waterbodies:

Chronic criterion: 68 ug/l

Not used during this period.

Chemical: 4-nitroaniline CAS #100-01-6

Acute criterion: 1.5 mg/l  
 Date criteria derived: May 5, 1996  
 Applicable waterbodies:

Chronic criterion: 0.12 mg/l

Not used during this period.

Chemical: Nitrobenzene CAS #98-95-3

Acute criterion: 15.4 mg/l  
 Human health criterion (HHC): 0.52 mg/l  
 Date criteria derived: February 14, 1992  
 Applicable waterbodies:

Chronic criterion: 4.67 mg/l

Not used during this period.

Chemical: Pentachlorophenol

Acute criterion: 20 ug/l  
 Date criteria derived: national criterion, September 1986  
 Applicable waterbodies:

Chronic criterion: 13 ug/l

Not used during this period.

Chemical: Phenanthrene CAS #85-01-8

Acute criterion: 46 ug/l  
 Date criteria derived: October 26, 1992  
 Applicable waterbodies:

Chronic criterion: 3.7 ug/l



Not used during this period.

Chemical: Pyrene  
Human health criterion (HTC): 3,500 ug/l  
Date criteria derived: December 22, 1992  
Applicable waterbodies:

CAS #120-00-0

Not used during this period.

Chemical: Tetrachloroethylene  
Acute criterion: 1,220 ug/l  
Date criteria derived: March 23, 1992  
Applicable waterbodies:

CAS #127-18-4  
Chronic criterion: 152 ug/l

Not used during this period.

Chemical: Tetrahydrofuran  
Acute criterion: 216,000 ug/l  
Date criteria derived: March 16, 1992  
Applicable waterbodies:

CAS #109-99-9  
Chronic criterion: 17,300 ug/l

Not used during this period.

Chemical: Toluene  
Acute criterion: 8,080 ug/l  
Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993  
Applicable waterbodies:

CAS #108-88-3

Chronic criterion: 646 ug/l

07120003-0203/off Calumnet-Union DDE  
07120004-0010/off Des Plaines River  
07120007-0006/off Fox River  
07120007-0224/off Paw Paw Run  
07130001-1159/off Ossami Lake  
07140101-0006/off Mississippi River  
07140106-1715/off Granny's Branch

Chemical: 1,2,4-trichlorobenzene  
Acute criterion: 353 ug/l  
Date criteria derived: December 14, 1993  
Applicable waterbodies:

CAS #120-82-1

Chronic criterion: 69.2 ug/l

Not used during this period.

Chemical: 1,1,1-trichloroethane  
Acute criterion: 4,910 ug/l  
Date criteria derived: October 26, 1992  
Applicable waterbodies:

CAS #71-55-6  
Chronic criterion: 393 ug/l

Not used during this period.

Chemical: 1,1,2-trichloroethane  
Acute criterion: 19,000 ug/l  
Human health criterion (HNC): 12 ug/l  
Date criteria derived: December 13, 1993  
Applicable waterbodies:

CAS #79-00-5

Chronic criterion: 3,540 ug/l

Not used during this period.

Chemical: Trichloroethylene  
Acute criterion: 11,700 ug/l  
Date criteria derived: October 23, 1992  
Applicable waterbodies:

CAS #79-01-6

Chronic criterion: 940 ug/l

Not used during this period.

Chemical: Xylenes  
Acute criterion: 1,500 ug/l  
Date criteria derived: August 23, 1990  
Applicable waterbodies:

CAS # 1330-20-7

Chronic criterion: 117 ug/l

07120003-0203/off Calumnet-Union DDE  
07120004-0010/off Des Plaines River  
07120007-0006/off Fox River  
07120007-0224/off Paw Paw Run  
07130001-1159/off Ossami Lake  
07140101-0006/off Mississippi River  
07140106-1715/off Granny's Branch

For additional information concerning these criteria or the derivation process use please contact:

Bob Mosher  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Enterprise Zone Program, 14 Ill. Adm. Code 520

1) Rulemaking:

A) Description: Section 520.700 is being amended to codify the job creation timeline for prospective High Impact Businesses, while Section 520.740 is being amended to reflect legislative changes in the Retailers' Occupation Tax Act for prospective High Impact Businesses. Section 520.930 and 520.1030 will be amended to eliminate the Department of Revenue's collection of wrongfully exempted taxes from decertified businesses.

B) Statutory Authority: Implementing and authorized by the Illinois Enterprise Zone Act [20 ILCS 655] (see Public Act 82-109).

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: To be announced

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Small businesses may be affected through a minimal loss of Retailers' Occupational Tax (ROT).

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Workforce Investment Act; 56 Ill. Adm. Code 2670

1) Rulemaking:

A) Description: New Part will be proposed to define the role of partners and shared funding strategies; workforce area designation; allocation formulae; content of agreements among local chief elected officials; local planning guidance; and content requirements for Memorandums of Understanding for programs under the Workforce Investment Act of 1998.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

- B) Statutory Authority: Workforce Investment Act of 1998, Public Law 105-220

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: June 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): State Administration of the Federal Community Services Block Grant; 47 Ill. Adm. Code 120.

1) Rulemaking:

A) Description: This rulemaking will revise Section 120.115 (CSBG Loan Program) and update other Sections to reflect legislative and policy changes.

B) Statutory Authority: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 46.42 of the Civil Administrative Code of Illinois.

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: June 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: There will be minimal impact on community action agencies. These agencies currently follow program guidelines and this Rule revision will coincide with those.

F) Agency contact person for information:

Raya Petefish

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Administrative Hearing Rules; 56 Ill. Adm. Code 2605

1) Rulemaking:

A) Description: New Part will be proposed to establish Administrative Hearing Rules for the Department of Commerce and Community Affairs.

B) Statutory Authority: Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and 100/10 respectively ].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: February 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Technology Advancement and Development Act Programs; 14 Ill. Adm. Code 545

1) Rulemaking:

A) Description: Subpart B of Part 545 will be amended to better reflect equity investment criteria and best practices.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by the Technology Advancement and Development Act [20 ILCS 700] (see Public Act 88-453).

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: To be announced

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Illinois Small Business Development Program; 14 Ill. Adm. Code 570

1) Rulemaking:

A) Description: Part 570 will be amended to better coordinate current financial institution policy, procedures and best practices with DCCA's economic development mission.

B) Statutory Authority: Implementing and authorized by the Small Business Development Act [30 ILCS 750/Art. 9] (see Public Act 88-422).

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: To be announced

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Low Income Home Energy Assistance Program; 47 Ill. Adm. Code 100

1) Rulemaking:

- A) Description: These rules cover the Low Income Home Energy Assistance Program (LIHEAP) and the Illinois Home Weatherization Assistance Program (IHWAP). Technical amendments are needed due to changes in State legislation and various program revisions.

- B) Statutory Authority: The Energy Assistance Act of 1989, as amended (P.A. 86-127, 350 ILCS 20/1 et seq., as amended by P.A. 87-14 and P.A. 90-561).

- C) Scheduled meeting/hearing date: To be announced

- D) Date agency anticipates First Notice: April 1999

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: The local organizations that operate the LIHEAP and IHWAP are not-for-profit community action agencies and community-based organizations. The new legislation has increased funding for these agencies and will have a positive impact.

- F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): State Administration of the Federal Community Development Block Grant Program for Small Cities; 47 Ill. Adm. Code 100.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The purpose of this rulemaking is to create a new, pilot Emergency Lead-Based Paint Reduction Program (using \$50,000 of unexpended FY96 Community Development Assistance Program funds). This program will be a collaboration between DCCA, the Illinois Department of Public Health, local health departments and Community Action Agencies. Funds will be available throughout the year to all eligible applicants meeting program requirements, until all funds have been expended. The funds will be used to provide assistance to income-qualified households, where a lead-poisoned child has been identified, to assist in the remediation of lead-based paint hazards.

- B) Statutory Authority: Implementing Title I of the Housing and Community Development Act of 1974 (42 USCA 5301) and Section 46.37 of the Civil Administrative Code of Illinois [20 ILCS 605/46.37]; and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

- C) Scheduled meeting/hearing date: To be announced

- D) Date agency anticipates First Notice: The proposed amendments were published in the December 4, 1998, Issue 49, of the *Illinois Register*. The amendments are ready to be filed to second notice.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: These amendments will have no effect on small businesses. These amendments will have a positive affect on small municipalities with a lead-based paint problem by providing a source of financing to abate the problem.

- F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Welfare-to-Work Block Grant Program; 56 Ill. Adm. Code 2665

1) Rulemaking:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

A) Description: The proposed rules will establish a Welfare-to-Work Grant Program. These rules define the legislative base, necessary definitions, allocation of funds, allowable programs and activities, plan development and approval process, eligibility requirements, cost limitations, performance management and record keeping and reporting requirements.

B) Statutory Authority: 20 ILCS 605/46.19

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: The proposed rules were published in the January 22, 1999, Issue 4, of the *Illinois Register*. The rules will be filed for second notice in March 1999.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Enterprise Zone Program; 14 Ill. Adm. Code 520

1) Rulemaking:

A) Description: This proposed rulemaking will allow businesses located in Enterprise Zones and also in census tracts with a majority of low and moderate-income households to be certified by the Department to take advantage of special benefits: a waiver of the \$100,000 investment threshold for the Environmental Remediation Tax Credit and a reduction of the fee charged by IEPA to apply for the tax credit.

B) Statutory Authority: 35 ILCS 5/201, 415 ILCS 5/58.14 and 20 ILCS 665.

C) Scheduled meeting/hearing date: To be announced

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1999 REGULATORY AGENDA

D) Date agency anticipates First Notice: May 1999

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Raya Petefish  
Agency Rules Coordinator  
Illinois Department of Commerce and Community Affairs  
620 East Adams  
Springfield, Illinois 62701  
(217) 785-6285

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 23, 1999 through March 1, 1999 and have been scheduled for review by the Committee at its March 16, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/8/99	Department of Human Services, Sexually Violent Persons (59 Ill Adm Code 299)	11/6/98 22 Ill Reg 19496	3/16/99
4/11/99	Department of Professional Regulation, Physician Assistant Practice Act of 1987 (68 Ill Adm Code 1350)	4/3/98 22 Ill Reg 6041	3/16/99

EXECUTIVE ORDER

99-4

EXECUTIVE ORDER CREATING THE GOVERNOR'S COMMISSION ON DISCRIMINATION  
AND HATE CRIMES

WHEREAS, discrimination and hate-motivated violence are crimes against both individuals and communities and cannot be tolerated; and  
WHEREAS, in a free country, no person should have to live in fear because of how they look, what they believe or how they conduct their private lives; and

WHEREAS, the goal of a hate crime is not just to injure one person, but to send a message of intimidation to a whole group of people; and  
WHEREAS, since the early 1990s, Illinois has had one of the nation's toughest hate crime statutes, addressing crimes such as aggravated battery, theft, criminal trespassing, disorderly conduct and telephone harassment committed because of the victim's race, color, creed, religion, ancestry, gender, sexual orientation or disability; and

WHEREAS, no one is truly safe when hate and discrimination is tolerated;  
THEREFORE, I, George H. Ryan, order the following:

I. ESTABLISHMENT

There shall be established the Governor's Commission on Discrimination and Hate Crimes.

II. PURPOSE

The purpose of the Commission shall include, but not be limited to, the following:

- to help ensure that State and local governments, including law enforcement and the judicial system, respond swiftly and appropriately to incidents of discrimination and to hate crimes.
- to work in partnership with community leaders, educators, religious leaders, social service agencies, elected officials and the public to identify and uproot sources of discrimination and bias at the source.
- to help ensure that the State's laws addressing discrimination and hate-related violence are widely known and used correctly to help eradicate and prevent crimes based on discrimination and intolerance.
- to make recommendations to the Governor and the General Assembly for statutory and programmatic changes necessary to eliminate discrimination and hate-based violence.
- to help implement recommendations by working with the Governor's agencies, the General Assembly, the business community and other organizations.

III. MEMBERSHIP

- the commission shall consist of a chairperson and at least 20 but



## EXECUTIVE ORDER

- not more than 40 additional members, all appointed by the Governor. Members may include, but are not limited to, persons who are active in and knowledgeable about the following areas: law enforcement, the criminal and civil justice system, education, human services, business and industry, arts and culture, social services and religion.
- C. members shall serve without compensation, but may be reimbursed for expenses.
- D. the Commission will be provided assistance and necessary staff support services by the Office of the Governor and the agencies of State government involved in the issues to be addressed by it.
- E. the Commission shall submit an annual report to the Governor and the General Assembly by December 1 of each year.

## IV. EFFECTIVE DATE

This executive order Number 4 (1999) shall be effective upon filing with the Secretary of State.

Issued by the Governor February 15, 1999

Filed with the Secretary of State February 18, 1999

## EXECUTIVE ORDER

99-5

## EXECUTIVE ORDER CREATING THE ILLINOIS TECHNOLOGY OFFICE

WHEREAS, Illinois must capitalize on its rich human and institutional resources to provide leadership and vision in a digital global network;

WHEREAS, Illinois must remain competitive and build an environment that supports business innovation and development;

WHEREAS, Illinois must embrace and manage technological innovation to ensure that governmental information, programs and services are delivered in the most efficient and effective manner to citizens;

WHEREAS, Illinois must leverage investments in our infrastructure and expand the capabilities of our citizens, businesses, schools, colleges and universities, research institutions, libraries, museums and governments through the use of collaborative work environments;

WHEREAS, Illinois must assist in the transformation of technology in all aspects of life and strategically invest in technology;

WHEREAS, Illinois must create a comprehensive approach to Year 2000 issues, assess the current and on-going status of State government services and programs for compliance, and communicate to citizens remedies and contingencies to ensure that all systems within Illinois are prepared for the new century.

THEREFORE, I, George H. Ryan, hereby order the following:

1. There is created an Illinois Technology Office headed by a chief technology officer which shall be located within the Office of the Governor.
2. The Illinois Technology Office shall provide direction and recommendations for coordinated and integrated management and development of technological innovation in State government in order to provide improved services, standardized operations among State agencies and creation of an interactive government based on the wide availability of timely and reliable information.
3. The Illinois Technology Office shall coordinate the development and deployment of technology networks and initiatives throughout the State, especially in areas such as education.
4. There is created a Year 2000 Preparedness Council within the Illinois Technology Office which shall oversee the statewide management and coordination of the Y2K planning, compliance and implementation.
5. The Council shall be appointed by the Governor and may include, but is not limited to, representatives from business, local government, research institutions, and State government. The Governor shall also name a chairman. Members shall serve without compensation, but may be reimbursed for expenses.
6. The Council shall coordinate efforts with the Year 2000 Technology Task Force, created by Public Act 90-666, and other State constitutional, legislative, and judicial offices as well as other

## EXECUTIVE ORDER

statewide efforts as appropriate.

7. This Executive Order shall be effective immediately.

Issued by the Governor February 15, 1999

Filed with the Secretary of State February 18, 1999

## PROCLAMATIONS

98-556

**VOLUNTEER BLOOD DONOR MONTH (Revised)**

WHEREAS, in the State of Illinois, there are approximately 600,000 transfusions per year; and

WHEREAS, every three seconds someone needs blood, and there are no substitutes or replacements for blood. Every day approximately 40,000 units of blood are used throughout the country; and

WHEREAS, an estimated 9 million people donate blood in the United States each year; however, many more healthy, regular volunteer donors are needed to give the gift of blood to their neighbors in need as accident victims, people undergoing surgery, and patients receiving treatment for leukemia, cancer, and other diseases all utilize blood; and

WHEREAS, this year, for the first time, three non-profit organizations, the American Association of Blood Banks (AABB), American Red Cross (ARC), and America's Blood Centers (ABC) have joined together to form the National Volunteer Blood Donor Month Coalition; and

WHEREAS, January is traditionally a time when it is difficult to recruit blood donors, and the National Volunteer Blood Donor Month Coalition will celebrate the month of January with a campaign to showcase support for member blood centers and hospitals and encourage citizens to give the gift of life to their neighbors in need. The theme of the celebration is "Give Blood, The Gift of Life";

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1999 as VOLUNTEER BLOOD DONOR MONTH in Illinois, and encourage all citizens in good health to be regular blood donors.

Issued by the Governor September 23, 1998.

Filed by the Secretary of State December 31, 1998.

98-558 (Revised)

**RONALD T. JEDLINSKI AND ROMAN INC.**

WHEREAS, Roman Inc. has made a continuous effort to care for its employees and community; and

WHEREAS, Roman Inc. has contributed to and supported numerous organizations; and

WHEREAS, Roman Inc. has actively become involved in the Susan G. Komen Breast Cancer Foundation and the Sunshine Foundation;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, commend RONALD T. JEDLINSKI AND ROMAN INC. for their community support and involvement.

Issued by the Governor September 30, 1998.

Filed by the Secretary of State December 22, 1998.

98-623

**DRUNK AND DROGGED DRIVING PREVENTION MONTH**

WHEREAS, more violent deaths are attributed to traffic crashes than any other cause. In 1997 there were 1,396 traffic fatalities in Illinois; and

WHEREAS, approximately 36 percent of fatally injured drivers, whose blood was tested, had alcohol concentration levels above the legal limit; and

PROCLAMATIONS

WHEREAS, citizens deserve a solution to this statewide health and safety threat; and  
 WHEREAS, the holiday season traditionally sees a greater number of crashes and is an appropriate time to focus attention on both the problems and their solutions;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1998 as DRUNK AND DRUGGED DRIVING PREVENTION MONTH in Illinois.  
 Issued by the Governor November 5, 1998.  
 Filed by the Secretary of State November 20, 1998.

98-624

MARIAM ESTHER QUINN DAY

WHEREAS, Marian Esther Quinn was born November 12, 1918, Virden, Illinois, one of 10 children born to Clyde and Lillian Gass; and  
 WHEREAS, on February 25, 1936, she married Fred E. Quinn; they were married for 31 years until his death on December 10, 1967. They made their home in the Virden area, where they farmed the land west of Virden; and  
 WHEREAS, Esther is the mother of five children and their spouses: Lendell, Ruth Ann, Janet, Larry, and Cheryl; and  
 WHEREAS, Esther is the grandmother of 14 grandchildren and their spouses; and  
 WHEREAS, Esther is the great-grandmother of seven great-grandchildren; and  
 WHEREAS, Esther retired in 1985, after working for 18 years for the office of the Secretary of State; and  
 WHEREAS, Esther will be celebrating her 80th birthday with family members in Okawville, Illinois, at a party given in her honor;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1998, as MARIAM ESTHER QUINN DAY in Illinois.  
 Issued by the Governor November 5, 1998.  
 Filed by the Secretary of State November 20, 1998.

98-925

MAKE-A-WISH-WEEK

WHEREAS, the Make-A-Wish Foundation was founded in 1980 to fulfill the favorite wishes of children between the ages of two and one-half and 18 years who are battling life-threatening illnesses; and  
 WHEREAS, the Make-A-Wish Foundation is the oldest and largest wish-granting organization in the world; and  
 WHEREAS, all expenses to fulfill an eligible child's wish are covered with no cost to the child's family; and  
 WHEREAS, wish referrals can be made by the parents, legal guardians, or by the child directly. Referrals also can be made by the child's physician, social worker or other health care professional; and  
 WHEREAS, volunteers are an integral part of the foundation's success; and  
 WHEREAS, the Make-A-Wish Foundation will celebrate "Make a Wish Week" November 29 through December 5, 1998, with many events and activities throughout the State of Illinois to raise awareness of their mission and to honor wish children, their families, donors, and volunteers;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim

PROCLAMATIONS

November 29-December 5, 1998, as MAKE-A-WISH WEEK in Illinois.  
 Issued by the Governor November 6, 1998.  
 Filed by the Secretary of State November 20, 1998.

98-626

SARCOIDOSIS AWARENESS MONTH

WHEREAS, Sarcoidosis is a disease that affects numerous people around the world; and  
 WHEREAS, Sarcoidosis is a non-contagious, systematic disease of unknown origin and is commonly diagnosed with the detection of inflamed, microscopic growths which most commonly affects the lungs but can affect any organ of the body; and  
 WHEREAS, many individuals stricken with Sarcoidosis eventually develop serious disabling conditions caused by damage to vital organs such as the lungs, heart, brain, kidneys, and central nervous system; and  
 WHEREAS, Sarcoidosis is found throughout the world and affects between 20 and 60 individuals in 100,000; and  
 WHEREAS, despite being recognized over 100 years ago, researchers are still unable to identify the nature and cause of Sarcoidosis;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1998 as SARCOIDOSIS AWARENESS MONTH in Illinois and urge all citizens to learn more about this dangerous disease.  
 Issued by the Governor November 6, 1998.  
 Filed by the Secretary of State November 20, 1998.

98-627

HOME CARE MONTH

WHEREAS, home care is the most humane tradition of health service delivery in United States enabling the ill and disabled to receive high-quality medical assistance with dignity and in the comfort of their homes; and  
 WHEREAS, home care in the United States is a growing alternative to hospitalization for acute and chronic illness, serving more than 8 million Americans each year; and  
 WHEREAS, thousands of hardworking men and women, in association with more than 20,000 home care agencies unite caring and modern technology by providing cost-effective home health care services that stimulate quicker and better recoveries and improvements than institutional care; and  
 WHEREAS, these dedicated home care professionals and volunteers form a network of caring support in our nation's vast health care system and deserve special recognition and appreciation for their many contributions;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1998 as HOME CARE MONTH in Illinois and encourage the support and participation of all citizens in learning more about the home care concept of care for the elderly, disabled, and infirm.  
 Issued by the Governor November 9, 1998.  
 Filed by the Secretary of State November 20, 1998.

98-628



## PROCLAMATIONS

**MICHAEL J. MARKS RECOGNITION DAY**

WHEREAS, Michael J. Marks earned a Bachelor of Arts degree from Purdue University; and

WHEREAS, Michael J. Marks has worked for Blue Cross and Blue Shield of Illinois since June of 1985; and

WHEREAS, Michael J. Marks has served in both sales and account management capacities in the Major and National Account Division of Blue Cross Blue Shield of Illinois; and

WHEREAS, Michael J. Marks was promoted to Manager of the Labor Division for Blue Cross and Blue Shield of Illinois in 1992; and

WHEREAS, Michael J. Marks has been promoted to Divisional Vice President of Blue Cross and Blue Shield of Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 18, 1998, as MICHAEL J. MARKS RECOGNITION DAY in Illinois.

Issued by the Governor November 9, 1998.

Filed by the Secretary of State November 20, 1998.

98-629

**ST. DEMETRIOS GREEK ORTHODOX CHURCH OF CHICAGO DAY**

WHEREAS, St. Demetrios Greek Orthodox Church has been serving its community for 70 years; and

WHEREAS, St. Demetrios is the largest Greek Orthodox Church in Chicago; and

WHEREAS, the parish sponsors many services and activities for the community including a pre-school program, a senior citizens group, a comprehensive athletic program, a language school, Sunday school and many other religious and philanthropic activities; and

WHEREAS, St. Demetrios Greek Orthodox Church will be hosting its annual dinner dance honoring the clergymen who have served the community since 1928;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 15, 1998, as ST. DEMETRIOS GREEK ORTHODOX CHURCH OF CHICAGO DAY in Illinois.

Issued by the Governor November 9, 1998.

Filed by the Secretary of State November 20, 1998.

98-630

**ALLIANCE FOR AFFORDABLE SERVICES DAY**

WHEREAS, the Alliance for Affordable Services, a not-for-profit association, is dedicated to assisting the self-employed and small business owners in Illinois control costs, increase profits and provide affordable health care services; and

WHEREAS, the Alliance for Affordable Services promotes the financial security of its members; and

WHEREAS, the Alliance for Affordable Services encourages independent businesses with the support needed for growth; and

WHEREAS, the Alliance for Affordable Services promotes the general fiscal and physical health of its members by providing a wide range of quality

## PROCLAMATIONS

business and health care services;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 30, 1998, as ALLIANCE FOR AFFORDABLE SERVICES DAY in Illinois.

Issued by the Governor November 12, 1998.

Filed by the Secretary of State November 20, 1998.

98-631

**CHRISTIAN HERITAGE WEEK**

WHEREAS, religious holidays, festivals, and celebrations add to the cultural mosaic of our State; and

WHEREAS, churches are a functional part of the communities in our State, often providing charitable assistance to our citizens; and

WHEREAS, Thanksgiving week is an appropriate time to center attention on the religious heritage of our State and nation;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 22-28, 1998, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor November 12, 1998.

Filed by the Secretary of State November 20, 1998.

98-632

**DONALD V. VERSEN, SR. RECOGNITION DAY**

WHEREAS, the Polish American Association, established in 1922, is a Polish bilingual, comprehensive human resources agency that impacts Chicago's second largest immigrant group; and

WHEREAS, the mission of the Polish American Association is to improve the well-being of individuals and to strengthen the community; and

WHEREAS, the Polish American Association will present its 1998 President's Award to Mr. Donald V. Versen, Sr., Vice Chairman of the LaSalle Bank on December 4, 1998; and

WHEREAS, Donald V. Versen, Sr. has provided wisdom, counsel and financial resources to hundreds of aspiring entrepreneurs over a long and distinguished career in banking; and

WHEREAS, Donald V. Versen, Sr. has been a major supporter and board member of numerous local, national and international organizations, and has unselfishly given his time and talents to health care, social service, commercial and governmental causes; and

WHEREAS, Donald V. Versen, Sr. has actively participated in White House roundtable on the Partnership for Peace policy, NATO membership for Central and Eastern European countries and economic conferences for Central and Eastern Europe; and

WHEREAS, Donald V. Versen, Sr. is actively engaged in providing counsel to Polish government and industry representatives on methods to utilize American companies and technologies to improve the Polish economy;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 4, 1998, as DONALD V. VERSEN, SR. RECOGNITION DAY in Illinois.

Issued by the Governor November 12, 1998.

Filed by the Secretary of State November 20, 1998.

## PROCLAMATIONS

98-633

## INTERNATIONAL HOUSEWARES SHOW WEEK

WHEREAS, the State of Illinois has been chosen as the site for the 102nd International Housewares Show; and

WHEREAS, Illinois has hosted the nation's premier housewares show since 1939; and

WHEREAS, the American housewares industry represents more than \$58.4 billion in annual retail sales and is actively involved in export activities; and

WHEREAS, the National Housewares Manufacturers Association's 1999 International Housewares Show is the largest US marketplace for the buying and selling of housewares products; and

WHEREAS, the world's largest "housewares-only" exposition brings 12,000 US buyers and 5,200 buyers from 103 other countries to Illinois to purchase goods from 2,000 housewares exhibitors; and

WHEREAS, the International Housewares Show attracts more than 60,000 visitors to Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 10-13, 1999, as INTERNATIONAL HOUSEWARES SHOW WEEK in Illinois and welcome the International Housewares Show to Chicago, Illinois.

Issued by the Governor November 12, 1998.

Filed by the Secretary of State November 20, 1998.

98-634

## RICHARD J. BROWN RECOGNITION DAY

WHEREAS, Richard J. Brown is the founder and Chief Executive Officer of Libertyville-based Cambridge Homes; and

WHEREAS, Cambridge Homes has grown to become the largest home builder in the State of Illinois; and

WHEREAS, Cambridge Homes recognizes that in addition to quality homes a home builder must build a community; and

WHEREAS, Richard J. Brown has previously served as President of the Home Builders Association of Illinois, as President of the Greater Chicagoland Housing Foundation, Lifetime Director of the National Home Builders Association and as Chairman of the National Home Builders Association's Single Family Production Builder Committee; and

WHEREAS, Richard J. Brown is currently serving as Chairman of the Production Builders Committee of the National Association of Home Builders (NAHB), as a member of the High Production Council of the NAHB, as a Director of the Lake County Wetlands Advisory Boards and as a member of the Lake County Strategic Planning Committee; and

WHEREAS, Richard J. Brown has been named to the Court of Honor of the Home Builders Association of Greater Chicago;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 19, 1998, as RICHARD J. BROWN RECOGNITION DAY in Illinois.

Issued by the Governor November 12, 1998.

Filed by the Secretary of State November 20, 1998.

## PROCLAMATIONS

98-635

## DISABLED PERSONS DAY

WHEREAS, one person out of 10 is either mentally or physically disabled; and

WHEREAS, the People to People Committee on Disability was created in 1956 and has championed the cause for the Illinois disabled community; and

WHEREAS, Illinois has dedicated itself to creating and maintaining a healthy environment for those who suffer from disabilities; and

WHEREAS, through increased awareness and volunteerism disabled persons throughout Illinois can live longer and more productive lives;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 3, 1998, as DISABLED PERSONS DAY in Illinois in conjunction with the observance of the International Day of Disabled Persons.

Issued by the Governor November 16, 1998.

Filed by the Secretary of State November 20, 1998.

98-636

## PEARL HARBOR REMEMBRANCE DAY

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the Armed Forces of the United States during World War II;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 7, 1998, as PEARL HARBOR REMEMBRANCE DAY in Illinois and call upon the people of our State to observe this solemn occasion with appropriate ceremonies.

Issued by the Governor November 16, 1998.

Filed by the Secretary of State November 20, 1998.

98-637

## STEVEN V. MARIANI DAY

WHEREAS, Steven V. Mariani was born in Chicago in 1924 to Michael and Rose Mariani from Bari, Italy; and

WHEREAS, after graduating from McKinley High School and attending DePaul University, he worked at his father's produce business on Randolph Street. He was drafted into the Army in 1943 where he was a demolition expert in the 1922nd Combat Engineer Battalion. He was honorably discharged in November

## PROCLAMATIONS

1945; and  
 WHEREAS, in 1946, he married Grace (Riccio) and is still happily married after 52 years; and  
 WHEREAS, Steve has three children -- Michael, Patty (Kloss), and Donna Rose (Kartheiser), and five grandchildren; and  
 WHEREAS, Steve's career has spanned a variety of interesting jobs -- he was a ranger for the Cook County Forest Preserve District, restaurateur, ward committeeman, and insurance claims investigator. He is now an administrator for the State of Illinois Self-Insurers Advisory Board; and  
 WHEREAS, Steve has always been interested in politics, and since 1968, he has been a member of Italian American War Veterans where he has served in many positions on local, State, and national levels; and  
 WHEREAS, Steve will be honored as national commander of the Italian American War Veterans at a testimonial dinner on Saturday, November 21, 1998, in Rosemont, Illinois;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 21, 1998, as STEVEN V. MARIANI DAY in Illinois.  
 Issued by the Governor November 16, 1998.  
 Filed by the Secretary of State November 20, 1998.

## 98-638

## GERI SHERMAN RECOGNITION DAY

WHEREAS, Mrs. Geri Sherman has served as a pre-school teacher at the Cooperative Nursery School of Decatur for 20 years; and  
 WHEREAS, Mrs. Sherman is a dedicated and creative instructor who always motivates her students to perform to the highest level; and  
 WHEREAS, Mrs. Sherman encourages parental involvement and often involves parents in her student's projects; and  
 WHEREAS, Mrs. Sherman coordinates an annual Thanksgiving Feast for the students and parents of the Cooperative Nursery School;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 21, 1998, as GERI SHERMAN RECOGNITION DAY in Illinois.  
 Issued by the Governor November 17, 1998.  
 Filed by the Secretary of State November 20, 1998.

## 98-639

## VERNON HILLS PARK DISTRICT DAY

WHEREAS, Illinois citizens have seen an increasing amount of land purchased for public parks and public recreation; and  
 WHEREAS, the residents of Illinois have nearly unlimited choices when it comes to public recreation; and  
 WHEREAS, through comprehensive planning, dedication and hard work, the Vernon Hills Park District has become an integral part of the Vernon Hills community; and  
 WHEREAS, the Vernon Hills Park District is dedicated to serving the community through its facilities, programs, services and personnel; and  
 WHEREAS, the Vernon Hills Park District seeks to enhance the quality of life and the environment by acquiring, conserving and protecting the natural

## PROCLAMATIONS

resources of Vernon Hills and the State of Illinois;  
 THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 27, 1998, as VERNON HILLS PARK DISTRICT DAY in Illinois.  
 Issued by the Governor November 17, 1998.  
 Filed by the Secretary of State November 20, 1998.

## 98-640

## 1998 GENERAL ELECTION CANVASS - U.S. SENATOR AND STATE OFFICERS

WHEREAS, On the 3rd day of November, 1998, an election was held in the State of Illinois for the election of the following officers, to-wit:  
 One (1) United States Senator for the full term of six years.  
 One (1) Governor for the full term of four years.  
 One (1) Lieutenant Governor for the full term of four years.  
 One (1) Attorney General for the full term of four years.  
 One (1) Secretary of State for the full term of four years.  
 One (1) Comptroller for the full term of four years.  
 One (1) Treasurer for the full term of four years.  
 WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 23rd day of November, 1998, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

## UNITED STATES SENATOR

Peter G. Fitzgerald

## GOVERNOR

George H. Ryan

## LIEUTENANT GOVERNOR

Corinne G. Wood

## ATTORNEY GENERAL

Jim Ryan

## SECRETARY OF STATE

Jesse White

## COMPTROLLER

Daniel W. Hynes

## TREASURER

Judy Baar Topinka

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 23, 1998.

Filed by the Secretary of State November 23, 1998.

## 98-641

## 1998 GENERAL ELECTION CANVASS -

## U.S. CONGRESS AND SENATE AND REP. IN G.A.

WHEREAS, On the 3rd day of November, 1998, an election was held in the State of Illinois for the election of the following officers, to-wit:



## PROCLAMATIONS

Twenty (20) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the twenty (20) Congressional Districts of the State for the full term of two years.

Forty (40) State Senators, to wit: One (1) State Senator from the 1st, 2nd, 4th, 5th, 7th, 8th, 10th, 11th, 13th, 14th, 16th, 17th, 19th, 20th, 22nd, 23rd, 25th, 26th, 28th, 29th, 31st, 32nd, 34th, 35th, 37th, 38th, 40th, 41st, 43rd, 44th, 46th, 47th, 49th, 50th, 52nd, 53rd, 54th, 55th, 56th, 58th and 59th Legislative District for the full term of four years; One (1) State Senator from the 51st Legislative District of the State to fill an unexpired term of two years.

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 23rd day of November, 1998, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS  
IN THE 106TH CONGRESS OF THE UNITED STATES

## FIRST CONGRESSIONAL DISTRICT

Bobby L. Rush

## SECOND CONGRESSIONAL DISTRICT

Jesse L. Jackson, Jr.

## THIRD CONGRESSIONAL DISTRICT

William O. Lipinski

## FOURTH CONGRESSIONAL DISTRICT

Luis V. Gutierrez

## FIFTH CONGRESSIONAL DISTRICT

Rod R. Blagojevich

## SIXTH CONGRESSIONAL DISTRICT

Henry J. Hyde

## SEVENTH CONGRESSIONAL DISTRICT

Danny K. Davis

## EIGHTH CONGRESSIONAL DISTRICT

Philip M. Crane

## NINTH CONGRESSIONAL DISTRICT

Janice D. (Jan) Schakowsky

## TENTH CONGRESSIONAL DISTRICT

John E. Porter

## ELEVENTH CONGRESSIONAL DISTRICT

Gerald C. Weller

## TWELFTH CONGRESSIONAL DISTRICT

Jerry F. Costello

## THIRTEENTH CONGRESSIONAL DISTRICT

Judy Biggert

## FOURTEENTH CONGRESSIONAL DISTRICT

J. Dennis Hastert

## FIFTEENTH CONGRESSIONAL DISTRICT

Thomas W. Ewing

## PROCLAMATIONS

## SIXTEENTH CONGRESSIONAL DISTRICT

Donald Manzullo

## SEVENTEENTH CONGRESSIONAL DISTRICT

Lane A. Evans

## EIGHTEENTH CONGRESSIONAL DISTRICT

Ray LaHood

## NINETEENTH CONGRESSIONAL DISTRICT

David D. Phelps

## TWENTIETH CONGRESSIONAL DISTRICT

John M. Shimkus

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS  
IN THE 91ST GENERAL ASSEMBLY OF THE STATE

## FIRST LEGISLATIVE DISTRICT

Antonio "Tony" Munoz

## SECOND LEGISLATIVE DISTRICT

Miguel del Valle

## FOURTH LEGISLATIVE DISTRICT

Kimberly A. Lightford

## FIFTH LEGISLATIVE DISTRICT

Rickey R. Hendon

## SEVENTH LEGISLATIVE DISTRICT

Walter W. Dudycz

## EIGHTH LEGISLATIVE DISTRICT

Ira I. Silverstein

## TENTH LEGISLATIVE DISTRICT

James A. DeLeo

## ELEVENTH LEGISLATIVE DISTRICT

Louis S. Viverito

## THIRTEENTH LEGISLATIVE DISTRICT

Barack Obama

## FOURTEENTH LEGISLATIVE DISTRICT

Emil Jones, Jr.

## SIXTEENTH LEGISLATIVE DISTRICT

Donne E. Trotter

## SEVENTEENTH LEGISLATIVE DISTRICT

Lisa Madigan

## NINETEENTH LEGISLATIVE DISTRICT

William F. Mahar

## TWENTIETH LEGISLATIVE DISTRICT

Beverly Fawell

## TWENTY-SECOND LEGISLATIVE DISTRICT

Thomas J. Walsh

## TWENTY-THIRD LEGISLATIVE DISTRICT

James "Pate" Philip

## TWENTY-FIFTH LEGISLATIVE DISTRICT

Doris C. Karpel

## TWENTY-SIXTH LEGISLATIVE DISTRICT

William E. Peterson

## TWENTY-EIGHTH LEGISLATIVE DISTRICT

Martin J. Butler

## PROCLAMATIONS

TWENTY-NINTH LEGISLATIVE DISTRICT  
Kathleen K. Parker

THIRTY-FIRST LEGISLATIVE DISTRICT  
Adeline Jay Geo-Karis

THIRTY-SECOND LEGISLATIVE DISTRICT  
Dick Klemm

THIRTY-FOURTH LEGISLATIVE DISTRICT  
Dave Syverson

THIRTY-FIFTH LEGISLATIVE DISTRICT  
J. Bradley Burzynski

THIRTY-SEVENTH LEGISLATIVE DISTRICT  
Todd Sieben

THIRTY-EIGHTH LEGISLATIVE DISTRICT  
Patrick D. Welch

FORTIETH LEGISLATIVE DISTRICT  
Debbie DeFrancesco Halvorson

FORTY-FIRST LEGISLATIVE DISTRICT  
Kirk W. Dillard

FORTY-THIRD LEGISLATIVE DISTRICT  
Lawrence M. "Larry" Walsh

FORTY-FOURTH LEGISLATIVE DISTRICT  
John W. Maitland, Jr.

FORTY-SIXTH LEGISLATIVE DISTRICT  
George P. Shadid

FORTY-SEVENTH LEGISLATIVE DISTRICT  
Carl E. Hawkinson

FORTY-NINTH LEGISLATIVE DISTRICT  
Vince Demuzio

FIFTIETH LEGISLATIVE DISTRICT  
Larry K. Bomke

FIFTY-FIRST LEGISLATIVE DISTRICT  
or an unexpired two year term  
N. Duane Noland

FIFTY-SECOND LEGISLATIVE DISTRICT  
Stanley B. Weaver

FIFTY-THIRD LEGISLATIVE DISTRICT  
Judith A. Myers

FIFTY-FIFTH LEGISLATIVE DISTRICT  
Frank Watson

FIFTY-SIXTH LEGISLATIVE DISTRICT  
Evelyn M. Bowles

FIFTY-EIGHTH LEGISLATIVE DISTRICT  
David S. Luechtefeld

FIFTY-NINTH LEGISLATIVE DISTRICT  
James F. "Jim" Rea

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS  
IN THE 91ST GENERAL ASSEMBLY OF THE STATE  
FIRST REPRESENTATIVE DISTRICT  
Sonia Silva

SECOND REPRESENTATIVE DISTRICT

## PROCLAMATIONS

THIRD REPRESENTATIVE DISTRICT  
Edward Acevedo

FOURTH REPRESENTATIVE DISTRICT  
William "Willie" Delgado

FIFTH REPRESENTATIVE DISTRICT  
Edgar I. Lopez

SIXTH REPRESENTATIVE DISTRICT  
Lovana S. "Lou" Jones

SEVENTH REPRESENTATIVE DISTRICT  
Shirley M. Jones

EIGHTH REPRESENTATIVE DISTRICT  
Eugene Moore

NINTH REPRESENTATIVE DISTRICT  
Calvin L. Giles

TENTH REPRESENTATIVE DISTRICT  
Arthur L. Turner

ELEVENTH REPRESENTATIVE DISTRICT  
Coy Pugh

TWELFTH REPRESENTATIVE DISTRICT  
Judy Erwin

THIRTEENTH REPRESENTATIVE DISTRICT  
Sara Feigenholtz

FOURTEENTH REPRESENTATIVE DISTRICT  
Ralph C. Capparelli

FIFTEENTH REPRESENTATIVE DISTRICT  
Michael P. McAuliffe

SIXTEENTH REPRESENTATIVE DISTRICT  
Joseph M. Lyons

SEVENTEENTH REPRESENTATIVE DISTRICT  
Louis I. Lang

EIGHTEENTH REPRESENTATIVE DISTRICT  
Carol Ronen

NINETEENTH REPRESENTATIVE DISTRICT  
Julie Hamos

TWENTIETH REPRESENTATIVE DISTRICT  
Robert J. Bugielski

TWENTY-FIRST REPRESENTATIVE DISTRICT  
Richard T. Bradley

TWENTY-SECOND REPRESENTATIVE DISTRICT  
Mary E. Flowers

TWENTY-THIRD REPRESENTATIVE DISTRICT  
Michael J. Madigan

TWENTY-FOURTH REPRESENTATIVE DISTRICT  
Daniel J. Burke

TWENTY-FIFTH REPRESENTATIVE DISTRICT  
Howard Kenner

TWENTY-SIXTH REPRESENTATIVE DISTRICT  
Barbara Flynn Currie

TWENTY-SEVENTH REPRESENTATIVE DISTRICT  
Charles G. Morrow III

## PROCLAMATIONS

Monique D. Davis  
 TWENTY-EIGHTH REPRESENTATIVE DISTRICT  
 Thomas J. Dart  
 TWENTY-NINTH REPRESENTATIVE DISTRICT  
 Willis Harris  
 THIRTIETH REPRESENTATIVE DISTRICT  
 Harold Murphy  
 THIRTY-FIRST REPRESENTATIVE DISTRICT  
 Todd H. Stroger  
 THIRTY-SECOND REPRESENTATIVE DISTRICT  
 Constance A. "Connie" Howard  
 THIRTY-THIRD REPRESENTATIVE DISTRICT  
 John Fritchey  
 THIRTY-FOURTH REPRESENTATIVE DISTRICT  
 Larry McKeon  
 THIRTY-FIFTH REPRESENTATIVE DISTRICT  
 M. Maggie Crotty  
 THIRTY-SIXTH REPRESENTATIVE DISTRICT  
 James D. Brosnahan  
 THIRTY-SEVENTH REPRESENTATIVE DISTRICT  
 Kevin A. McCarthy  
 THIRTY-EIGHTH REPRESENTATIVE DISTRICT  
 Renee Kosel  
 THIRTY-NINTH REPRESENTATIVE DISTRICT  
 Vincent A. Persico  
 FORTIETH REPRESENTATIVE DISTRICT  
 Randall M. "Randy" Hultgren  
 FORTY-FIRST REPRESENTATIVE DISTRICT  
 Mary Lou Cowlshaw  
 FORTY-SECOND REPRESENTATIVE DISTRICT  
 Timothy L. Schmitz  
 FORTY-THIRD REPRESENTATIVE DISTRICT  
 William A. O'Connor  
 FORTY-FOURTH REPRESENTATIVE DISTRICT  
 James B. Durkin  
 FORTY-FIFTH REPRESENTATIVE DISTRICT  
 Kathleen L. "Kay" Wojcik  
 FORTY-SIXTH REPRESENTATIVE DISTRICT  
 Lee A. Daniels  
 FORTY-SEVENTH REPRESENTATIVE DISTRICT  
 Eileen Lyons  
 FORTY-EIGHTH REPRESENTATIVE DISTRICT  
 Anne Zickus  
 FORTY-NINTH REPRESENTATIVE DISTRICT  
 Carole Pankau  
 FIFTIETH REPRESENTATIVE DISTRICT  
 Thomas L. Johnson  
 FIFTY-FIRST REPRESENTATIVE DISTRICT  
 Sidney Mathias  
 FIFTY-SECOND REPRESENTATIVE DISTRICT

## PROCLAMATIONS

Mark H. Beaubien, Jr.  
 FIFTY-THIRD REPRESENTATIVE DISTRICT  
 Terry R. Parke  
 FIFTY-FOURTH REPRESENTATIVE DISTRICT  
 Suzanne (Suzie) Bassi  
 FIFTY-FIFTH REPRESENTATIVE DISTRICT  
 Rosemary Mulligan  
 FIFTY-SIXTH REPRESENTATIVE DISTRICT  
 Carolyn H. Krause  
 FIFTY-SEVENTH REPRESENTATIVE DISTRICT  
 Elizabeth Coulson  
 FIFTY-EIGHTH REPRESENTATIVE DISTRICT  
 Jeffrey M. Schoenberg  
 FIFTY-NINTH REPRESENTATIVE DISTRICT  
 Susan Garrett  
 SIXTIETH REPRESENTATIVE DISTRICT  
 Lauren Beth Gash  
 SIXTY-FIRST REPRESENTATIVE DISTRICT  
 Andrea S. Moore  
 SIXTY-SECOND REPRESENTATIVE DISTRICT  
 Timothy H. Osmond  
 SIXTY-THIRD REPRESENTATIVE DISTRICT  
 Jack D. Franks  
 SIXTY-FOURTH REPRESENTATIVE DISTRICT  
 Cal Skinner, Jr.  
 SIXTY-FIFTH REPRESENTATIVE DISTRICT  
 Patricia Reid Lindner  
 SIXTY-SIXTH REPRESENTATIVE DISTRICT  
 Douglas L. Hoeft  
 SIXTY-SEVENTH REPRESENTATIVE DISTRICT  
 Douglas P. Scott  
 SIXTY-EIGHTH REPRESENTATIVE DISTRICT  
 Ronald A. Wait  
 SIXTY-NINTH REPRESENTATIVE DISTRICT  
 Dave Winters  
 SEVENTIETH REPRESENTATIVE DISTRICT  
 David Wirsing  
 SEVENTY-FIRST REPRESENTATIVE DISTRICT  
 Michael J. Boland  
 SEVENTY-SECOND REPRESENTATIVE DISTRICT  
 Joel Brunsvold  
 SEVENTY-THIRD REPRESENTATIVE DISTRICT  
 Jerry Mitchell  
 SEVENTY-FOURTH REPRESENTATIVE DISTRICT  
 I. Ronald Lawfer  
 SEVENTY-FIFTH REPRESENTATIVE DISTRICT  
 Mary K. O'Brien  
 SEVENTY-SIXTH REPRESENTATIVE DISTRICT  
 Frank J. Mautino  
 SEVENTY-SEVENTH REPRESENTATIVE DISTRICT



## PROCLAMATIONS

Angelo "Skip" Saviano  
SEVENTY-EIGHTH REPRESENTATIVE DISTRICT  
Robert A. "Bob" Biggins  
SEVENTY-NINTH REPRESENTATIVE DISTRICT  
Michael Giglio  
EIGHTIETH REPRESENTATIVE DISTRICT  
George Scully  
EIGHTY-FIRST REPRESENTATIVE DISTRICT  
Patricia R. "Patti" Bellock  
EIGHTY-SECOND REPRESENTATIVE DISTRICT  
James H. "Jim" Meyer  
EIGHTY-THIRD REPRESENTATIVE DISTRICT  
Brent Hassert  
EIGHTY-FOURTH REPRESENTATIVE DISTRICT  
Tom Cross  
EIGHTY-FIFTH REPRESENTATIVE DISTRICT  
John "Phil" Novak  
EIGHTY-SIXTH REPRESENTATIVE DISTRICT  
Jack McGuire  
EIGHTY-SEVENTH REPRESENTATIVE DISTRICT  
Dan Rutherford  
EIGHTY-EIGHTH REPRESENTATIVE DISTRICT  
Bill Brady  
EIGHTY-NINTH REPRESENTATIVE DISTRICT  
Keith P. Sommer  
NINETIETH REPRESENTATIVE DISTRICT  
John Turner  
NINETY-FIRST REPRESENTATIVE DISTRICT  
Michael K. Smith  
NINETY-SECOND REPRESENTATIVE DISTRICT  
Ricca C. Slone  
NINETY-THIRD REPRESENTATIVE DISTRICT  
David R. Leitch  
NINETY-FOURTH REPRESENTATIVE DISTRICT  
Donald L. Moffitt  
NINETY-FIFTH REPRESENTATIVE DISTRICT  
Richard P. "Rich" Myers  
NINETY-SIXTH REPRESENTATIVE DISTRICT  
Art Tenhouse  
NINETY-SEVENTH REPRESENTATIVE DISTRICT  
Tom Ryger  
NINETY-EIGHTH REPRESENTATIVE DISTRICT  
Gary Hannig  
NINETY-NINTH REPRESENTATIVE DISTRICT  
Raymond Poe  
ONE HUNDRETH REPRESENTATIVE DISTRICT  
Gwenn Klingler  
ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT  
Julie A. Curry  
ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT

## PROCLAMATIONS

Bill Mitchell  
ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT  
Richard J. (Rick) Winkel, Jr.  
ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT  
Timothy V. Johnson  
ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT  
William B. "Bill" Black  
ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT  
Dale A. Righter  
ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT  
John O. Jones  
ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT  
Charles A. "Chuck" Hartke  
ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT  
Kurt Granberg  
ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT  
Ron Stephens  
ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT  
Steve Davis  
ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT  
Jay C. Hoffman  
ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT  
Thomas Holbrook  
ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT  
Wyvetter H. Younge  
ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT  
Mike Bost  
ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT  
Dan Reitz  
ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT  
Larry D. Woolard  
ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT  
James D. "Jim" Fowler  
NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.  
Issued by the Governor November 23, 1998.  
Filed by the Secretary of State November 23, 1998.

## 98-642

## 1998 GENERAL ELECTION CANVASS - JUDGES

WHEREAS, On the 3rd day of November, 1998, an election was held in the State of Illinois for the election of the following judges, to-wit:  
Appellate Court Judges to fill the vacancy of the Honorable Edward J. Egan, to fill the vacancy of the Honorable Dom J. Rizzi, First Judicial District; to fill the vacancy of the Honorable Frederick S. Green, Fourth Judicial District.

Judges of the Circuit Court, Cook County Judicial Circuit to fill the

## PROCLAMATIONS

vacancy of the Honorable Frank W. Barbaro, to fill the vacancy of the Honorable Vincent Bentivenga, to fill the vacancy of the Honorable Jerome T. Burke, to fill the vacancy of the Honorable John J. Crown, to fill the vacancy of the Honorable Gino L. DiVito, to fill the vacancy of the Honorable Edward G. Finnegan, to fill the vacancy of the Honorable John W. Gustafson, to fill the vacancy of the Honorable Marilyn R. Komosa, to fill the vacancy of the Honorable Willard J. Lassers, to fill the vacancy of the Honorable Thomas J. O'Brien, to fill the vacancy of the Honorable Leslie E. South, to fill the vacancy of the Honorable Earl E. Strayhorn, to fill the vacancy of the Honorable Daniel John White.

Judges of the Circuit Court, Cook County Judicial Circuit, to fill additional judgeship A, Second Subcircuit; to fill additional judgeship A, Third Subcircuit; to fill additional judgeship A, Sixth Subcircuit; to fill additional judgeship A, Seventh Subcircuit; to fill the vacancy of the Honorable John D. Brady, Eighth Subcircuit; to fill additional judgeship A, Tenth Subcircuit; to fill additional judgeship A, Eleventh Subcircuit; to fill additional judgeship A, Twelfth Subcircuit; to fill the vacancy of the Honorable Lester A. Bonaguro, Thirteenth Subcircuit; to fill additional judgeship A, Fifteenth Subcircuit.

Judges of the Circuit Court, to fill the vacancy of the Honorable John I. Lundmark, Edwards County, to fill the vacancy of the Honorable Patrick McLaughlin, Richland County, Second Judicial Circuit; to fill the vacancy of the Honorable Rita B. Garman, to fill the vacancy of the Honorable Ralph S. Pearman, to fill additional judgeship A, Vermillion County, Fifth Judicial Circuit; to fill the vacancy of the Honorable Carson D. Klitz, Schuyler County, Eighth Judicial Circuit; to fill the vacancy of the Honorable Richard C. Ripple, Hancock County, Ninth Judicial Circuit; to fill the vacancy of the Honorable Robert E. Manning, Jr., Peoria County, Tenth Judicial Circuit; to fill the vacancy of the Honorable William M. Roberts, Ford County, to fill the vacancy of the Honorable Charles E. Glennon, Livingston County, to fill the vacancy of the Honorable Gerald G. Dehner, Logan County, to fill the vacancy of the Honorable Richard M. Baner, Woodford County, Eleventh Judicial Circuit; to fill the vacancy of the Honorable James J. Wimbiscus, Bureau County, Thirteenth Judicial Circuit; to fill the vacancy of the Honorable Jay M. Hanson, Henry County, to fill the vacancy of the Honorable Susan B. Gende, Rock Island County, Fourteenth Judicial Circuit; to fill the vacancy of the Honorable Lawrence A. Smith, Jr., Stephenson County, Fifteenth Judicial Circuit; to fill the vacancy of the Honorable Melvin E. Dunn, Kane County, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Robert G. Coplan, to fill additional judgeship A, to fill the vacancy of the Honorable Harris H. Agnew, Winnebago County, Seventeenth Judicial Circuit; to fill additional judgeship A, Eighteenth Judicial Circuit; to fill the vacancy of the Honorable William D. Block, to fill additional judgeship A, Lake County, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable Jerome F. Lopinot, St. Clair County, Twentieth Judicial Circuit; to fill the vacancy of the Honorable John F. Michela, Twenty-first Judicial Circuit.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 23rd day of November, 1998, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following

## PROCLAMATIONS

## named offices:

## APPELLATE COURT JUDGES

## FIRST JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Edward J. Egan)

Margaret Stanton McBride

(To fill the vacancy of the Honorable Dom J. Rizzi)

Michael J. Gallagher

## FOURTH JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Frederick S. Green)

Sue E. Myerscough

## JUDGES OF THE CIRCUIT COURT

## COOK COUNTY JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Frank W. Barbaro)

John Patrick Kirby

(To fill the vacancy of the Honorable Vincent Bentivenga)

Arnette R. Hubbard

(To fill the vacancy of the Honorable Jerome T. Burke)

Paul Stralka

(To fill the vacancy of the Honorable John J. Crown)

Kevin Michael Sheehan

(To fill the vacancy of the Honorable Gino L. DiVito)

Thomas L. Hogan

(To fill the vacancy of the Honorable Edward G. Finnegan)

Daniel Joseph Lynch

(To fill the vacancy of the Honorable John W. Gustafson)

Michael R. Keenan

(To fill the vacancy of the Honorable Marilyn R. Komosa)

James Patrick McCarthy

(To fill the vacancy of the Honorable Willard J. Lassers)

Nicholas R. Ford

(To fill the vacancy of the Honorable Thomas J. O'Brien)

Paul Philip Biebel

(To fill the vacancy of the Honorable Leslie E. South)

Nancy J. Arnold

(To fill the vacancy of the Honorable Earl E. Strayhorn)

Diane Joan Larsen

(To fill the vacancy of the Honorable Daniel John White)

Nathaniel Roosevelt Howse, Jr.

## SECOND SUBCIRCUIT

(To fill additional judgeship A)

John D. Turner, Jr.

## THIRD SUBCIRCUIT

(To fill additional judgeship A)

Denise Kathleen Filan

## SIXTH SUBCIRCUIT

(To fill additional judgeship A)

Kathleen Mary Pantle

## SEVENTH SUBCIRCUIT

(To fill additional judgeship A)

La Quietta J. Hardy

## PROCLAMATIONS

EIGHTH SUBCIRCUIT  
(To fill the vacancy of the Honorable John D. Brady)

Melvin J. Cole

## TENTH SUBCIRCUIT

(To fill additional judgeship A)

Dennis James Morrissey

## ELEVENTH SUBCIRCUIT

(To fill additional judgeship A)

George J. Smith

## TWELFTH SUBCIRCUIT

(To fill additional judgeship A)

Richard A. Siebel

## THIRTEENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Lester A. Bonaguro)

Thomas P. Fecarotta, Jr.

## FIFTEENTH SUBCIRCUIT

(To fill additional judgeship A)

Charles Patrick Burns

## SECOND JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable John I. Lundmark)

EDWARDS COUNTY

David K. Frankland

(To fill the vacancy of the Honorable Patrick McLaughlin)

RICHLAND COUNTY

Larry D. Dunn

## FIFTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Rita B. Garman)

Claudia Anderson

(To fill the vacancy of the Honorable Ralph S. Pearman)

James R. Glenn

(To fill additional judgeship A)

VERMILION COUNTY

Michael D. Clary

## EIGHTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Carson D. Klitz)

SCHUYLER COUNTY

Alesia A. McMillen

## NINTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Richard C. Ripple)

HANCOCK COUNTY

David F. Stoverink

## TENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Robert E. Manning, Jr.)

PEORIA COUNTY

Michael E. Brandt

## ELEVENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable William M. Roberts)

FORD COUNTY

Steve Pacey

(To fill the vacancy of the Honorable Charles E. Glennon)

## PROCLAMATIONS

## LIVINGSTON COUNTY

Harold J. Frobish

(To fill the vacancy of the Honorable Gerald G. Dehner)

LOGAN COUNTY

David L. Coogan

(To fill the vacancy of the Honorable Richard M. Baner)

WOODFORD COUNTY

John B. Huschen

## THIRTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable James J. Wimbiscus)

BUREAU COUNTY

Marc P. Bernabei

## FOURTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Jay M. Hanson)

HENRY COUNTY

Clarke Barnes

(To fill the vacancy of the Honorable Susan B. Gende)

ROCK ISLAND COUNTY

Lori Lefstein

## FIFTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Lawrence A. Smith, Jr.)

STEPHENSON COUNTY

Barry Anderson

## SIXTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Melvin E. Dunn)

KANE COUNTY

Donald J. Fabian

## SEVENTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Robert G. Coplan)

Craig Peterson

(To fill additional judgeship A)

Kathryn E. Zenoff

(To fill the vacancy of the Honorable Harris H. Agnew)

WINNEBAGO COUNTY

Janet R. Holmgren

## EIGHTEENTH JUDICIAL CIRCUIT

(To fill additional judgeship A)

Rod Equi

## NINETEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable William D. Block)

Barbara Gilleran Johnson

(To fill additional judgeship A)

LAKE COUNTY

Margaret J. Mullen

## TWENTIETH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Jerome F. Lopinot)

ST. CLAIR COUNTY

Robert P. LeChien

## TWENTY-FIRST JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable John F. Michela)



## PROCLAMATIONS

Kathy Bradshaw Elliott

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 23, 1998.

Filed by the Secretary of State November 23, 1998.

98-643

## 1998 GENERAL ELECTION CANVASS - RETAINED

WHEREAS, On the 3rd day of November, 1998, an election was held in the State of Illinois for the retention of the following judges, to-wit:  
Appellate Court Judge from the First, Second, and Fifth Judicial District;

Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, and Cook County Judicial Circuits.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 23rd day of November, 1998, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

## RETENTION

## JUDGE OF THE APPELLATE COURT

## FIRST JUDICIAL DISTRICT

Calvin C. Campbell

Allen Hartman

## SECOND JUDICIAL DISTRICT

Lawrence D. (Larry) Inglis

Robert D. McLaren

## FIFTH JUDICIAL DISTRICT

Charles W. Chapman

Richard P. Goldenhersh

Philip J. Rarick

## JUDGES OF THE CIRCUIT COURT

## FIRST JUDICIAL CIRCUIT

Donald Lowery

William G. Schwartz

## SECOND JUDICIAL CIRCUIT

Larry O. Baker

Robert M. Keenan, Jr.

David M. Correll

Terry Gamber

Robert M. Hopkins

## THIRD JUDICIAL CIRCUIT

A. Andreas "Andy" Mateosian

## FOURTH JUDICIAL CIRCUIT

Dennis M. Huber

## PROCLAMATIONS

Richard H. Brummer

Patrick J. Hitpas

Michael P. Kiley

## FIFTH JUDICIAL CIRCUIT

Paul C. Komada

Gary W. Jacobs

## SIXTH JUDICIAL CIRCUIT

John P. Shonkwiler

Jerry L. Patton

## SEVENTH JUDICIAL CIRCUIT

Thomas R. Appleton

Leo J. Zappa, Jr.

## EIGHTH JUDICIAL CIRCUIT

Thomas L. Brownfield

Carol Pope

## NINTH JUDICIAL CIRCUIT

Stephen C. Mathers

William D. Henderson

David R. Hultgren

## TENTH JUDICIAL CIRCUIT

Bruce W. Black

Robert A. Barnes, Jr.

Joe R. Vespa

## ELEVENTH JUDICIAL CIRCUIT

Ronald C. Dozier

John P. Freese

## TWELFTH JUDICIAL CIRCUIT

William R. Penn

Rodney B. Lechwar

## THIRTEENTH JUDICIAL CIRCUIT

Louis James Perona

Robert H. Adcock

James A. Lanuti

Howard Chris Ryan, Jr.

## FOURTEENTH JUDICIAL CIRCUIT

John Donald O'Shea

Martin E. Conway, Jr.

Timothy J. Slavin

## FIFTEENTH JUDICIAL CIRCUIT

Tomas M. Magdich

Charles R. Hartman

## SIXTEENTH JUDICIAL CIRCUIT

Pamela K. Jensen

James T. Doyle

## EIGHTEENTH JUDICIAL CIRCUIT

John W. Darrach

Bonnie M. Wheaton

Robert Emmett Byrne

Robert K. Kilander

Ronald B. Mehling

## PROCLAMATIONS

## NINETEENTH JUDICIAL CIRCUIT

Jack Hoogasian  
John Goshgarian  
Raymond J. McKoski  
Henry C. Tonigan

## TWENTIETH JUDICIAL CIRCUIT

Lloyd A. Karmeier

Jerry D. Flynn

## TWENTY-FIRST JUDICIAL CIRCUIT

Daniel W. Gould

## COOK COUNTY JUDICIAL CIRCUIT

Arthur L. Dunne

Lester D. Foreman

Sophia H. Hall

Thomas A. Hett

Stephen A. Schiller

Sidney A. Jones, III

Aaron Jaffe

Richard B. Berland

Patrick S. Grossi

Leo E. Holt

Paddy McNamara

Richard E. Neville

Thomas P. Quinn

Irwin J. Solganick

Dan Weber

Alexander P. White

Donald J. O'Brien, Jr.

Vincent Michael Gaughan

Shelvin Louise Marie Hall

Dorothy Kirie Kinnaid

William D. Maddux

John J. "Jack" Moran

William Patrick O'Malley

James W. Kennedy

Joan M. Corboy

Robert W. Bertucci

Richard J. Billik, Jr.

Jennifer Duncan Brice

Bernetta D. Bush

Thomas F. Carmody

Thomas Michael Davy

David Delgado

Deborah Mary Dooling

Timothy C. Evans

Susan G. Fleming

Sheldon Gardner

Allen S. Goldberg

Llwelllyn "Lynn" Greene-Thapedi

Susan Ruscitti Grussel

## PROCLAMATIONS

Ronald A. Himel

Cheyrl D. Ingram

Raymond L. Jagielski

Dorothy F. Jones

Daniel E. Jordan

Carol A. Kelly

Bertina E. Lampkin

Joanne L. Lanigan

Jeffrey Lawrence

Daniel Michael Locallo

John K. Madden

William Maki

Patrick E. McGann

Janice R. McGaughey

Michael James Murphy

Sheila Murphy

Julia Margaret Nowicki

Denise Margaret O'Malley

William D. O'Neal

William M. Phelan

Robert J. Quinn

Maureen Durkin Roy

Nancy Sidote Salyers

Leida J. Gonzalez Santiago

Daniel J. Sullivan

Sharon Marie Sullivan

Edna M. Turkington

John A. Ward

Anthony L. Young

Susan Frances Zwick

Susan Jeanine McDunn

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

Issued by the Governor November 23, 1998.

Filed by the Secretary of State November 23, 1998.

## 98-644

## 1998 GENERAL ELECTION CANVASS - REGIONAL

WHEREAS, On the 3rd day of November, 1998, an election was held in the State of Illinois for the election of the following officers, to-wit:

Twenty-eight (28) Regional Superintendents of Schools, to-wit: One (1) Regional Superintendent of Schools from the Adams and Pike Region; Alexander, Johnson, Massac, Pulaski and Union Region; Bond, Effingham and Fayette Region; Boone and Winnebago Region; Brown, Cass, Morgan and Scott Region; Bureau, Henry and Stark Region; Calhoun, Greene, Jersey and Macoupin Region; Carroll, JoDavies and Stephenson Region; Champaign and Ford Region, Christian and Montgomery Region; Clark, Coles, Cumberland, Douglas, Edgar, Moultrie and

## PROCLAMATIONS

Shelby Region; Clay, Crawford, Jasper, Lawrence and Richland Region; Clinton, Marion and Washington Region; Dewitt, Livingston and McLean Region; Edwards, Gallatin, Hardin, Pope, Saline, Wabash, Wayne and White Region; Franklin and Williamson Region; Fulton and Schuyler Region; Grundy and Kendall Region; Hamilton and Jefferson Region; Hancock and McDonough Region; Henderson, Mercer and Warren Region; Iroquois and Kankakee Region; Jackson and Perry Region; Lee and Ogle Region; Logan, Mason and Menard Region; Macon and Piatt Region; Marshall, Putnam and Woodford Region; Monroe and Randolph Region; for the full term of four years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 23rd day of November, 1998, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following names offices:

## REGIONAL SUPERINTENDENT OF SCHOOLS

ADAMS AND PIKE

Raymond A. Scheiter

ALEXANDER, JOHNSON, MASSAC, PULASKI AND UNION

Andrea Brown

BOND, EFFINGHAM AND FAYETTE

Delbert L. Maroon

BOONE AND WINNEBAGO

Richard L. Fairgrievies

BROWN, CASS, MORGAN AND SCOTT

Don Kording

BUREAU, HENRY AND STARK

Bruce Dennison

CALHOUN, GREENE, JERSEY AND MACCUPIN

Russell G. Masinelli

CARROLL, JODAVIESS AND STEPHENSON

John B. Lang

CHAMPAIGN AND FORD

Martin L. Barrett

CHRISTIAN AND MONTGOMERY

Greg Springer

CLARK, COLES, CUMBERLAND, DOUGLAS, EDGAR, MOULTRIE AND SHELBY

John McNary

CLAY, CRAWFORD, JASPER, LAWRENCE AND RICHLAND

Samuel T. White

CLINTON, MARION AND WASHINGTON

Danny L. Garrett

DEWITT, LIVINGSTON AND MCLEAN

Eugene P. Jontry

EDWARDS, GALLATIN, HARDIN, POPE, SALINE, WABASH, WAYNE AND WHITE

Linda L. Blackman

FRANKLIN AND WILLIAMSON

Barry Kohl

FULTON AND SCHUYLER

Gary L. Grzanich

GRUNDY AND KENDALL

## PROCLAMATIONS

Richard Krase

HAMILTON AND JEFFERSON

P. E. Cross

HANCOCK AND McDONOUGH

Robert Baumann

HENDERSON, MERCER AND WARREN

R. Bruce Hall

IROQUOIS AND KANKAKEE

Kay M. Fangle

JACKSON AND PERRY

Donald L. "Don" Brewer

LEE AND OGLE

Delight H. Pitman

LOGAN, MASON AND MENARD

George D. Janet

MACON AND PIATT

Craig E. Milligan

MARSHALL, PUTNAM AND WOODFORD

Richard L. Herring

MONROE AND RANDOLPH

Faye J. Hughes

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

Issued by the Governor November 23, 1998.

Filed by the Secretary of State November 23, 1998.

98-645

1998 GENERAL ELECTION CANVASS - PROPOSED AMENDMENT  
TO SECTION 15, ARTICLE VI OF CONSTITUTION

WHEREAS, On the 3rd day of November, 1998, an election was held in the State of Illinois at which time a Proposed Amendment to Section 15 of Article VI of the Constitution (The Judiciary) was submitted, and

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 23rd day of November, 1998, canvass the same, and as a result of such canvass, did declare that the same having received either three-fifths of those voting on the question or a majority of those voting in the election is therefore adopted.

NOW, THEREFORE, I, JIM EDGAR, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing Proposed Amendment is adopted.

Issued by the Governor November 23, 1998.

Filed by the Secretary of State November 23, 1998.

98-646

## AIDS AWARENESS DAY



## PROCLAMATIONS

WHEREAS, the incidence of HIV infection and AIDS necessitates an effort to increase communication, education and action to stop the spread of HIV/AIDS; and

WHEREAS, The Joint United Nations Program on HIV/AIDS (UNAIDS) estimates that 30.6 million people are currently living with HIV/AIDS, and those younger than 25 years of age account for at least half of all new infections; and

WHEREAS, the American Association for World Health recognizes that the number of people diagnosed with HIV and AIDS in the United States continues to increase, with 641,086 AIDS cases reported as of December 31, 1997; and

WHEREAS, in Illinois, the number of AIDS cases had surpassed 21,000, with 64 percent of those losing their lives to the disease; and

WHEREAS, AIDS Awareness Day provides an opportunity to focus on HIV and AIDS, on caring for people with HIV infection and AIDS, and on learning about HIV and AIDS;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1, 1998, as AIDS AWARENESS DAY in Illinois in conjunction with the observance of World AIDS Day, and urge all citizens to take part in this day's activities and observances.

Issued by the Governor November 19, 1998.

Filed by the Secretary of State December 22, 1998.

## 98-647

## PAUL SIMON DAY

WHEREAS, Paul Simon was born in Eugene, Oregon, on November 29, 1928; and WHEREAS, at age 19, he became the nation's youngest editor-publisher when he accepted the local Lion's Club challenge to save the Troy Tribune in Troy, Illinois; and

WHEREAS, he built a chain of 13 newspapers in southern and central Illinois which he sold in 1966 to devote full-time to public service and writing; and

WHEREAS, he has served the people of Illinois in public office for more than 40 years in offices such as Illinois State Representative, Illinois State Senator, Illinois Lieutenant Governor, US Representative and US Senator; and

WHEREAS, upon retiring from the US Senate in 1997, he founded and became the first director of the Southern Illinois University Public Policy Institute where he continues to address issues critical to the future of the State and nation; and

WHEREAS, in 1960, he married Jeanne Hurley, of Wilmette, whom he met while they both served as Illinois State Representatives; and

WHEREAS, together they have two children, Sheila and Martin, and four grandchildren; and

WHEREAS, a special reception in honor of his 70th birthday will be held on November 30, 1998, at Southern Illinois University; and

WHEREAS, Paul Simon is a respected statesman, an icon of integrity, an accomplished author, an Army veteran, a champion of education and children's issues, an university professor and a devoted husband, father, and grandfather;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 30, 1998, as PAUL SIMON DAY in Illinois.

Issued by the Governor November 19, 1998.

## PROCLAMATIONS

Filed by the Secretary of State December 22, 1998.

## 98-648

## HOOPESTON PUBLIC LIBRARY DAY

WHEREAS, the Hoopeson Public Library was dedicated in November 1898 when it was located in one room of the city hall, which at that time was at Market and Seminary Streets; and

WHEREAS, the Mary Hartwell Catherwood Club, a literary club which is still in existence, raised funds to begin the new library; and

WHEREAS, in 1903, the library moved to the Grant Township Building at Penn and Bank Streets; and

WHEREAS, the land at the corner of Seminary and Fourth was donated by Alba Honeywell; and

WHEREAS, the city received \$12,500 from philanthropist Andrew Carnegie for construction of the library; and

WHEREAS, in September 1903, the construction of the current building was contracted; and

WHEREAS, the library has attempted to keep up with the changing technological needs of its patrons, including a multi-library computer network, Internet service, library card electronic scanning and recording of checked out items; and

WHEREAS, the Hoopeson Public Library will celebrate 100 years of serving the local area on Saturday, November 21, 1998, with an open house, a special program, tours, refreshments and door prizes;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 21, 1998, as HOOPESTON PUBLIC LIBRARY DAY in Illinois.

Issued by the Governor November 23, 1998.

Filed by the Secretary of State December 22, 1998.

## 98-649

## CRIME STOPPERS MONTH

WHEREAS, Crime Stoppers International, Inc. is the largest civilian, community volunteer non-profit organization in the world; and

WHEREAS, Crime Stoppers works with the local media, police and citizens in the prevention and solution of crime; and

WHEREAS, Crime Stoppers has aided in the clearing of more than 655,000 cases and recovery of over \$3.8 billion in narcotics and stolen property since the program was begun in 1976; and

WHEREAS, the Crime Stoppers' Scholastic Program, which is entirely run by students who wish their campus to be "crime free", has over 1,200 programs throughout the world; and

WHEREAS, more than 1,000 Crime Stoppers chapters throughout the world will highlight their successes and hold programs to demonstrate the value of their programs in the community;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1999 as CRIME STOPPERS MONTH in Illinois.

Issued by the Governor November 24, 1998.

Filed by the Secretary of State December 22, 1998.

## PROCLAMATIONS

98-650

**"OHTLI" AWARD DAY**

WHEREAS, the Mexican Cultural and Educational Institute of Chicago (IMCE) and the Program for Mexican Communities Abroad (PCME) have designed a number of projects to strengthen the ties between Mexico and the Mexican community abroad; and

WHEREAS, the Republic of Mexico has noted the contributions of Mexicans living abroad who have dedicated themselves to the well-being of their fellow nationals; and

WHEREAS, the Republic of Mexico has created the "OHTLI" award to mark the contributions of these individuals to their fellow nationals; and

WHEREAS, on December 4, 1998, IMCE will host a reception to present the "OHTLI" award to Chicagoan Guadalupe Reyes; and

WHEREAS, Ms. Reyes, the founder of Esperanza School and El Valor, is being honored for her outstanding contributions toward improving the quality of life for Hispanic Americans including those with disabilities;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 4, 1998, as "OHTLI" AWARD DAY in Illinois and urge all citizens of Illinois to recognize the contributions that Guadalupe Reyes has made to her fellow Mexican nationals and the State.

Issued by the Governor November 24, 1998.

Filed by the Secretary of State December 22, 1998.

98-651

**CHARLES (CHARLIE) R. BELL DAY**

WHEREAS, Charles (Charlie) R. Bell is retiring from the Illinois Environmental Protection Agency as the Division of Public Water Supplies Field Office Service Manager after 27 years of service; and

WHEREAS, Bell has maintained an excellent working relationship with local water supply operator group, helping them understand what will be required of them under complex programs like changes in the lead and copper regulations and in radionuclide regulations; and

WHEREAS, during his 24 years as FOS manager, Charlie Bell has provided annual updates and participated in the activities of the Illinois Section American Water Works Association and the Illinois Potable Water Supply Operators Association; and

WHEREAS, in March 1998, Bell received the Clifford H. Fore Distinguished Service Award during the 89th annual Illinois Section American Water Works Association meeting; and

WHEREAS, Charlie Bell earned his engineering degree from the University of Illinois at Urbana-Champaign and initially pursued a career in the aerospace industry, including work on the Minuteman, Saturn second stage rocket and on the Apollo programs; and

WHEREAS, in November 1971, Illinois EPA was fortunate to hire Bell in the Division of Public Water Supplies and he initially reported to duty in the Rockford field office on time, after an epic journey from California in which the Bell family's Volkswagen van was chased by a major winter storm;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim

## PROCLAMATIONS

98-652

**CHICAGO ACCESS CORPORATION DAY**

December 3, 1998, as CHARLES (CHARLIE) R. BELL DAY in Illinois in honoring his years of service to the people and State of Illinois.

Issued by the Governor November 25, 1998.

Filed by the Secretary of State December 22, 1998.

WHEREAS, the Chicago Access Corporation (CAC) was founded in 1983 as the public service component of the franchise agreement that brought cable television to Chicago; and

WHEREAS, since then, CAC has served thousands of education and social service agencies, community groups and individuals by providing the means to bring their messages to a broader audience; and

WHEREAS, CAC has received numerous awards in recent years for improving public understanding and participation in media; and

WHEREAS, CAC will celebrate its 15th Anniversary on December 9, 1998, and they are planning to continue to offer services to the citizens and non-profits of Chicago for the next 15 years;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 9, 1998, as CHICAGO ACCESS CORPORATION DAY in Illinois.

Issued by the Governor November 25, 1998.

Filed by the Secretary of State December 22, 1998.

98-653

**CHARLES E. JONES DAY**

WHEREAS, on November 7, 1948, Charlie Jones joined the new Virden Fire Protection District at the request of Fire Chief Albert Fuiten as one of the eight original fire fighters; and

WHEREAS, at that time the fire department had two old trucks and no two-way radio equipment. Fire fighters were dispatched by phone calls to each fireman's home or business. Their turnout gear was very primitive by today's standards, and the \$2.00 per fire call did not go very far in replacing ruined shoes, pants and shirts; and

WHEREAS, Charlie worked his way through the ranks, and he became the district's third fire chief in 1967; and

WHEREAS, Charlie is currently president of the Virden Fire Protection District. He was appointed trustee of the fire district in 1972, and he has remained a trustee for the past 26 years; and

WHEREAS, Charlie retired from active fire fighting in 1980, but continued on as communication officer until 1984; and

WHEREAS, because of Charlie's commitment to the fire department, his wife, Dorothy, has said that she knows what choice Charlie will make when he is in a position where he has to choose between the fire department and other commitments; and

WHEREAS, Charlie will be honored for his 50 years of service at the Annual Fireman's Ball on December 12, 1998;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 7, 1998, as CHARLES E. JONES DAY in Illinois.



## PROCLAMATIONS

Issued by the Governor November 30, 1998.  
Filed by the Secretary of State December 22, 1998.

98-654

## RAY SERATI DAY

WHEREAS, Ray Serati began his journalism career at the *Southern Illinoisan* shortly after the invention of movable type; and

WHEREAS, during that career, Ray once accurately predicted in print that many bills would be introduced in the General Assembly and some would pass and some would fail; and

WHEREAS, Ray Serati's byline has appeared on the front page of such prestigious newspapers as the *Chicago Tribune*, the *Washington Post*, and the *Aurora Beacon-News*; and

WHEREAS, Mr. Serati is the most famous thing to come out of Herrin, Illinois, since the salameat; and

WHEREAS, Ray's next writing project will be his fishing memoirs to be called "The Old Man and the Lake: My Struggles with the Wiley Blue Gill"; and

WHEREAS, Mr. Serati's quick actions saved the historic Illinois State Capitol from his unsuccessful attempt at making microwave popcorn; and

WHEREAS, Ray Serati is believed to have slung more mostaccioli than anyone else in the history of Sacred Heart; and

WHEREAS, Ray's collection of jokes recently celebrated their 100th anniversary; and

WHEREAS, Ray's wardrobe includes an extensive collection of ties that match his former curtains and previous home furnishings; and

WHEREAS, Ray Serati's career lasted long enough for him to see the State telephone directory contain more Seratis than Demuzios; and

WHEREAS, Ray Serati, during his 40-year career in journalism, has helped train dozens of future journalists, has made a whole host of friends, and will leave a void in the Statehouse pressroom upon his retirement;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 4, 1998, as RAY SERATI DAY in Illinois.

Issued by the Governor November 30, 1998.

Filed by the Secretary of State December 22, 1998.

98-655

## DENYSIA BASTAS DAY

WHEREAS, Denysia Bastas has been a valued employee of the State of Illinois for more than 45 years; and

WHEREAS, Denysia is the epitome of a good public servant. She has worked tirelessly on behalf of the taxpayers and assisted numerous people over the years; and

WHEREAS, she began her government career in 1953 in the Office of Secretary of State Charles Carpenter and later worked for the Office of Attorney General Latham Castle and the Teachers' College Board; and

WHEREAS, she later worked for the Illinois Senate where she assisted some of the State's most distinguished legislators, including George E. Drach, W. Russell Arrington, Clifford B. Latherow, Kenneth G. McMillan, and Bob Kustra;

## PROCLAMATIONS

and WHEREAS, Denysia was a key assistant to Lieutenant Governor Bob Kustra from 1991 to 1998; and

WHEREAS, throughout her career, Denysia took many young State government interns under her wing; and

WHEREAS, on December 3, 1998, many of Denysia's countless friends will gather at a celebration to honor her for her many contributions and to prepare for her retirement at the end of December;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 3, 1998, as DENYSIA BASTAS DAY in Illinois.

Issued by the Governor December 1, 1998.

Filed by the Secretary of State December 22, 1998.

98-656

## PROSTATE CANCER AWARENESS DAY

WHEREAS, the National Cancer Institute reports that prostate cancer is the most common type of cancer in American men (excluding skin cancer) and the second leading cause of cancer-related deaths among men; and

WHEREAS, the American Cancer Society recommends that men over 50 should discuss with their health care provider the need for regular prostate-specific antigen (PSA) testing and digital rectal exams (DRE); and

WHEREAS, the American Cancer Society recommends that men in high risk groups such as African-Americans and men with a family history of prostate cancer may want to consider beginning PSA testing and a DRE before they reach the age of 50; and

WHEREAS, the importance of early detection to the survival of prostate cancer patients highlights the need for widespread awareness of the signs and symptoms of the disease and reinforces the rationale for increased efforts to educate the public and health care professionals about prostate cancer; and

WHEREAS, improved public awareness of the disparity in funding for prostate cancer research, as compared to the research funding for other major diseases will help bring a halt to this inequity and thereby save men's lives; and

WHEREAS, it is appropriate for the State of Illinois to join with me, their families and loved ones, their health care professionals and others throughout the State in recognizing the importance of this disease; and

WHEREAS, the Illinois State Medical Society, the Illinois State Board of Health, the Illinois Department of Public Health, and TAP Pharmaceuticals are collaborating in an effort to educate health care providers and the public about prostate cancer;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 3, 1998, as PROSTATE CANCER AWARENESS DAY in Illinois, and I encourage all citizens of this State to familiarize themselves with the facts about prostate cancer, its risk factors, and the importance of early diagnosis and treatment to successful outcomes.

Issued by the Governor December 1, 1998.

Filed by the Secretary of State December 22, 1998.

98-657



## PROCLAMATIONS

## ALEXANDER JOSEPH KHAYYAT DAY

WHEREAS, Alexander Joseph Khayyat was born in Beirut, Lebanon, on Monday, September 14, 1998; and

WHEREAS, Joe and Katy Khayyat left Chicago, Illinois, exactly one month later on Wednesday, October 14, arrived in Beirut, Lebanon, on Thursday, October 15, and officially adopted Alexander Joseph as their new son on Friday morning, October 16; and

WHEREAS, after four days of sightseeing in beautiful Lebanon while staying with friends George and Diana Chareeb, the Khayyats traveled to the U.S. Embassy in Nicosia, Cyprus, to apply for Alexander's immigrant visa which they received on Wednesday, October 21; and

WHEREAS, after returning to Beirut to catch their flight back to Illinois, Joe and Katy brought Alexander Joseph to his new home at 4388 Comanche Dr. in Springfield, Illinois, on Thursday night, October 22; and

WHEREAS, Alexander's first appointment at his pediatrician the following morning, Friday, October 23, confirmed that he was a healthy baby boy, nearly six weeks old, weighing 8 lbs., 3 oz., measuring 22 inches long, with a full head of dark hair, big brown eyes, long eyelashes and a cleft in his chin; and

WHEREAS, Alex was welcomed home during his first full day in Springfield by proud relatives including Grandparents Salah and Frances; Grandmother Eleanor; Uncles Steve, Adnan and Philip, who insist he will be called A.J.; Adnan's fiancée Steffanie; Aunt Maureen; Uncle Jeff and Aunt Ann; the beloved family pet Clancy the Dalmatian; and Alex Hanna's family, who also happen to be from Lebanon; and

WHEREAS, Alexander will be baptized at St. Agnes Parish in Springfield, Illinois, on Sunday, December 6, 1998, with godparents -- Uncle Adnan and Aunt Susan -- sponsoring him;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 6, 1998, as ALEXANDER JOSEPH KHAYYAT DAY in Illinois in celebration of this very special occasion marked by his initiation into the Catholic church for which family, friends, and the Christian community will gather to honor, love, support and admire baby Alex.

Issued by the Governor December 4, 1998.

Filed by the Secretary of State December 22, 1998.

98-658

## IRAJ ISAAC KASPAR DAY

WHEREAS, Iraj Isaac Kaspar was born on June 24, 1939, in Baghdad, Iraq, to his parents Satunik Soukias and Isaac Kaspar; and

WHEREAS, Iraj graduated from Al-Hikma University in June 1961, before immigrating to the U.S. in August 1963 and graduating from the University of Illinois with his Master's Degree in Civil Engineering in July 1964; and

WHEREAS, he began his career at the Illinois Department of Transportation on August 17, 1964; and

WHEREAS, he married Sharon Streb on February 7, 1970, raised a family including sons Allan Arman, born November 24, 1970, and Brian Kevin, born September 14, 1973, adding their beloved pet dog Munchy in 1982 who passed away in 1998; and

## PROCLAMATIONS

WHEREAS, after 34-plus years of a very successful career at the Illinois Department of Transportation, Iraj will retire on December 31, 1998, from his current position as the Engineer of Bridge Design, giving him more time to play and watch his passion -- golf;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1998, as IRAJ ISAAC KASPAR DAY in honor of his 34-plus years of public service to the State of Illinois which family, friends and colleagues will celebrate as 1998 passes and both the new year and the new chapter in Iraj's life begin.

Issued by the Governor December 4, 1998.

Filed by the Secretary of State December 22, 1998.

98-659

## STEPHEN T. RIEDL RECOGNITION DAY

WHEREAS, Stephen T. Riedl began his service to the State of Illinois as an intern for the Secretary of State Driver Services Department in 1983; and

WHEREAS, Stephen Riedl has served as the Assistant Director of the Illinois Department of Central Management Services (CMS) for the past three years; and

WHEREAS, Assistant Director Riedl is responsible for the Bureau of Support Services, the Bureau of Benefits and the Illinois Business Enterprise Program for Minorities, Females and Persons with Disabilities; and

WHEREAS, Stephen Riedl served for four years as the Manager of the CMS Bureau of Support Services, and he administered the Drivers License facilities throughout the State prior to accepting his most recent position as the Assistant Director for CMS; and

WHEREAS, Stephen Riedl has served the State of Illinois with distinction for the past 14 years;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 4, 1998, as STEPHEN T. RIEDL RECOGNITION DAY in Illinois.

Issued by the Governor December 4, 1998.

Filed by the Secretary of State December 22, 1998.

98-660

## MYRTLE S. HABERSHAM DAY

WHEREAS, Myrtle S. Habersham was selected Regional Commissioner for the Social Security Administration (SSA), Chicago Region, effective May 26, 1996; and

WHEREAS, she began her career with SSA as a claims representative trainee and has held increasingly responsible managerial, administrative and staff positions with SSA and the Department of Health and Human Services (HHS). Prior to becoming Regional Commissioner for the Chicago Region, Myrtle served as Deputy Regional Commissioner of the Atlanta Region; and

WHEREAS, as Regional Commissioner, Chicago, Ms. Habersham serves as regional executive for the over 9,700 federal and state employees in the six state region (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin). The Region has 234 field facilities, administering Social Security programs for over 8.8 million people and paying monthly benefits in excess of \$5.5 billion;

## PROCLAMATIONS

and

WHEREAS, Myrtle is a native Georgian, and she is being reassigned to the Atlanta Region to serve as their new Regional Commissioner; and  
WHEREAS, Regional Commissioner Habersham's departure will be a great loss to the State of Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 17, 1998, as MYRTLE S. HABERSHAM DAY in Illinois.

Issued by the Governor December 7, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-661

## MEIGS FIELD DAY

WHEREAS, Meigs Field operates an important transportation facility, especially for travelers with destinations to Chicago's central business district and McCormick Place Convention Center; and

WHEREAS, Meigs Field handles an average of 50,000 flights each year, serving about 150,000 travelers annually; and

WHEREAS, Meigs Field has enhanced the City of Chicago's attractiveness to national and international corporations; and

WHEREAS, Meigs Field has contributed to the city's distinctive character as a vital national and international center of business and culture; and  
WHEREAS, Meigs Field has been a vital economic asset to the City of Chicago and the state, adding in excess of \$50 million each year to the local economy, and supporting thousands of jobs; and

WHEREAS, Meigs Field will celebrate its 50th Anniversary on December 10, 1998, in Chicago, Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 10, 1998, as MEIGS FIELD DAY in Illinois.

Issued by the Governor December 8, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-662

## SERGEANT PATRICIA K. MCDANIEL DAY

WHEREAS, In 1986, Sergeant Patricia K. McDaniel was chosen as one of 10 statewide Child Safety Officers for the Illinois State Police. After receiving Drug Abuse Resistance Education (D.A.R.E.) Training in Los Angeles, California, she began a pilot program in the Highland, Illinois, school system and additional school districts were added to her teaching schedule. In 1990, she piloted the new D.A.R.E. Junior High and Special Education curriculums; and

WHEREAS, in 1988, she became a charter member of the Illinois D.A.R.E. Officers Association where she was elected sergeant of arms in 1991, treasurer in 1992, the first vice-president in 1994, and president in 1996; and

WHEREAS, in 1989, Sergeant McDaniel was assigned as a full-time D.A.R.E. officer for the Illinois State Police, and she began training other police officers as D.A.R.E. officers and as trainers of officers for the D.A.R.E. program. In 1996, she assumed duties as the Illinois State Police D.A.R.E. section supervisor and liaison to the D.A.R.E. Regional Training Center; and

WHEREAS, in 1993, Sergeant McDaniel was chosen as the 1992-93 D.A.R.E.

## PROCLAMATIONS

Officer of the Year for Illinois; and

WHEREAS, since 1991, Sergeant Patricia McDaniel has been chairman for several D.A.R.E. events and conferences, and she has been chosen as a speaker for numerous National D.A.R.E. Officers Association conferences and Illinois D.A.R.E. Officers State conferences; and

WHEREAS, after instructing at the Illinois State Police Academy for the last 11 years, Sergeant Patricia McDaniel is well known for her ability to share her knowledge and provide valuable insight into law enforcement education. She will be greatly missed at the Academy as she transfers to another division. Her outstanding career in the D.A.R.E. program has brought honor to herself, the Illinois State Police, and the State of Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 9, 1998, as SERGEANT PATRICIA K. MCDANIEL DAY in Illinois.

Issued by the Governor December 10, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-663

## SALONSENSE DAY

WHEREAS, Onyx Publishing Group is launching a national monthly journal, "SalonSense", featuring the most technologically advanced and innovative hair care product lines, services and information; and

WHEREAS, SalonSense will serve as a reference source for over 30,000 students and practitioners of cosmetology in the State of Illinois and across the nation; and

WHEREAS, SalonSense is dedicated to informing, educating, motivating and entertaining the its consumers by providing the full service salon industry with a complete set of technical and business-building tools;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 16, 1998, as SALONSENSE DAY in Illinois.

Issued by the Governor December 11, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-664

## FINANCIAL LITERACY FOR YOUTH MONTH

WHEREAS, the average teen in the U.S. spends \$3,500 each year, and 25 percent of 18- and 19-year olds have their own credit cards; and

WHEREAS, high school seniors frequently are unprepared for many of the critical financial decisions they need to make after they graduate; and

WHEREAS, nationally, for more than a quarter of a century, many Americans have been challenged to save even five percent of their income -- in contrast to the ten percent recommended by the majority of financial planners; and

WHEREAS, the National Endowment for Financial Education and the Cooperative Extension System-USDA are sponsoring "Financial Literacy for Youth Month" to encourage educational programs to give young people the financial tools they need to live balanced, responsible and rewarding lives; and

WHEREAS, this public awareness effort will help teens learn about the financial planning process and contribute to their personal financial stability and, consequently, contribute to the financial stability of Illinois;



## PROCLAMATIONS

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1999 as FINANCIAL LITERACY FOR YOUTH MONTH in Illinois.  
 Issued by the Governor December 15, 1998.  
 Filed by the Secretary of State December 30, 1998.

98-665

## PHYLLIS JEAN SKAGGS DAY

WHEREAS, Phyllis Jean Skaggs was born in Purdue, Indiana, on the 27th day of May 1932, one of six children of Wills Hensley and Grace Speaks Hensley; and  
 WHEREAS, she has touched the lives of scores of her co-workers during her 40 years at the Illinois Department of Public Health; and

WHEREAS, Phyllis Jean Skaggs is a capable and dedicated State employee, serving as secretary to Dr. Norman Rose, Dr. Donald Rawlings, Dr. James Paulisson, Dr. Bruce Flashner, Dr. M.A. Werckle and Dr. Patricia Nolan; and as an administrative assistant to Jerry Ackerman, Dan Campbell, Dr. Beth Walston, Larry Etzkorn and Donna Lounsberry; and

WHEREAS, she was an active member of the Illinois Public Health Association, coordinating numerous convention meetings; and

WHEREAS, she is an active member of the IDPH's elite Quarter Century Club, serving as its president; and

WHEREAS, she served as training coordinator for the Department and the federal Health Care Financing Administration's Region V office; and

WHEREAS, she is a 25-year member of the Beta Sigma Phi, receiving the Order of the Rose for her cultural and philanthropical services to her community; and

WHEREAS, she remains a faithful member of the First United Methodist Church; and

WHEREAS, she is a devoted mother to her two children - Steven Lance Skaggs and Tami Lynn Skaggs Braidwood; and

WHEREAS, Phyllis Jean Skaggs is now retiring from the Illinois Department of Public Health to enhance her shopping skills;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 23, 1998, as PHYLLIS JEAN SKAGGS DAY in Illinois.

Issued by the Governor December 17, 1998.

Filed by the Secretary of State December 30, 1998.

98-666

## RICH DOERING DAY

WHEREAS, Rich Doering began his career as a graphic artist with the Secretary of State's Office in 1988, and was later named graphic arts supervisor for the Department of Corrections in 1991; and

WHEREAS, Rich has worked for several years as a trouble-shooter for the Governor's Tent at the Illinois State Fair, and in 1993 he provided his aerial and ground photographs taken during the Great Flood of 1993 for a flood display that he also designed and produced for the Governor's Tent; and

WHEREAS, five years later, Rich designed, assembled and maintained a new Governor's Tent display depicting a profile of Governor Edgar's tenure which was used at both the Illinois and DuQuoin State Fairs; and

## PROCLAMATIONS

WHEREAS, in 1994, in celebration of the African-American History Makers Awards Ceremony, Rich designed and coordinated the production of a glass obelisk that featured a rendering of Martin Luther King, Jr., presented by Governor Edgar to his African-American cabinet members, and also a pen-and-ink drawing of eight black historians that in turn was presented by the cabinet members to the Governor; and

WHEREAS, when the Illinois State Fair celebrated its 100th anniversary in 1994, Rich designed and coordinated production of a commemorative envelope using his composite drawing of the fairgrounds buildings listed on the National Historic Register; and

WHEREAS, Rich invented and produced the proclamation plaques used by the Governor's Office, including 25 special plaques presented to the Chicago Bulls during their Grant Park Victory Celebration in 1998; and

WHEREAS, in 1998, Rich assisted in securing last-minute photographs for the Governor's legacy book; and

WHEREAS, his tireless efforts, natural talents, unique ability to visualize completed projects and execute the work required to achieve his vision, as well as his expertise in creating a network of vendors, all of which combined, help Rich provide outstanding service and support to the State of Illinois, especially the Office of the Governor and Illinois Department of Corrections;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1998, as RICH DOERING DAY in Illinois.

Issued by the Governor December 17, 1998.

Filed by the Secretary of State December 30, 1998.

98-667

## THOMAS AND MARGARET SPREITZER DAY

WHEREAS, Thomas Nicholas Spreitzer was born March 28, 1951, the son of Joe and Kay Spreitzer, and Margaret Carol Busher was born January 28, 1937, the daughter of Robert and Elizabeth Busher; and

WHEREAS, Thomas and Margaret were married on December 22, 1973, in Santa Fe, New Mexico, and now live in Des Plaines, Illinois; and

WHEREAS, Thomas and Margaret have two children, Sarah Jean Spreitzer and Timothy Nicholas Spreitzer; and

WHEREAS, Thomas Spreitzer has made many significant contributions to society, including building the world's best storage shelf in a shed; honing his basketball skills and then gracefully conceding as his son surpassed him in ability; and significantly reducing the squirrel and dog population in Des Plaines; and

WHEREAS, Margaret Spreitzer has also made many significant contributions to society, including spending 30 years at Orr High School preparing our future leaders by sharing the marvels of Shakespeare and other literary heroes; perfecting her recipe for Shake and Bake Chicken; and advancing the poet's cause; and

WHEREAS, Thomas and Margaret joined their loved ones on December 20, 1998, for a dinner in their honor; and

WHEREAS, Thomas and Margaret will celebrate their 25th Wedding Anniversary on December 22, 1998, and on this special occasion, their family wishes to



## PROCLAMATIONS

thank them for the many years of happiness and the unforgettable memories the family has been able to share;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 22, 1998, as THOMAS AND MARGARET SPRITZER DAY in Illinois in honor of their 25 years of marriage and wish them many years of happiness for the future.

Issued by the Governor December 17, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-668

## MACOMB POLICE DEPARTMENT EMPLOYEES/90 DAY NOTICE OF REFERENDUM

WHEREAS, the City of Macomb Police Department desires to provide Hospital Insurance (Medicare) coverage for its employees not mandatorily covered for Hospital Insurance pursuant to Public Law 99-272 and pursuant to Public Law 101-508; and

WHEREAS, a referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code, Article 21, as amended, which requires that each eligible employee who is a participant in the Police Department's retirement plan be given the opportunity to register his/her personal choice by written ballot as to whether he/she elects Hospital Insurance coverage; and

WHEREAS, the referendum procedure requires that each eligible employee shall be given a detailed description of the two choices available to him/her and allowed 90 days notice prior to the exercise of his/her right to choose; and

WHEREAS, I hereby designate the Executive Secretary of the State Employees' Retirement System and the Mayor of the City of Macomb as the officials who are jointly responsible for the distribution of the details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes; to allocate their other duties under this proclamation among themselves; and to delegate such other duties to others as they shall deem appropriate;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, do hereby proclaim a period of at least 90 days notice between the dates of January 1, 1999, and March 31, 1999, to eligible employees of the City of Macomb Police Department that their choice shall be expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Mayor of the City of Macomb and the referendum concluded not later than March 31, 1999.

Issued by the Governor December 18, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-669

## ROY LEONARD DAY

WHEREAS, Roy Leonard's innovative career began in the early '50s at a station in Salem, Massachusetts, after attendance at Boston's Emerson College.

## PROCLAMATIONS

After serving with Armed Forces Radio, he returned to Massachusetts and worked in radio and television until coming to WGN Radio in 1967; and

WHEREAS, each weekend, Roy keeps his listeners up-to-date on what's going on in the world of entertainment; and

WHEREAS, Roy Leonard is recognized for his incredible interviewing skills, and his theater, movie, restaurant and travel reviews are some of the most respected in Chicago. His radio shows and regular appearances as host and arts critic on television, have made him one of Chicago's most popular sources of information and entertainment; and

WHEREAS, for diversity, Roy's listeners often traveled with him to Europe as he took his shows on the road; and

WHEREAS, after nearly 50 years in the broadcast industry, Roy Leonard will retire at the end of the year; and

WHEREAS, Roy will continue his work with AAA Travel, hosting theater weekends and trips around the world as well as hosting Family Classics on WGN-TV, Channel 9 in Chicago; and

WHEREAS, after 31 years with WGN Radio, Roy Leonard will host a farewell broadcast Saturday, December 19, 1998, at the Museum of Broadcast Communications in Chicago, which will give fans and friends an opportunity to see Roy and some of his regular guests just one week before his final broadcast on December 26, 1998;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 26, 1998, as ROY LEONARD DAY in Illinois.

Issued by the Governor December 21, 1998.

Filed by the Secretary of State December 30, 1998.

## 98-670

## CAPTAIN STUBBY DAY

WHEREAS, Tom C. Fouts has been in broadcasting and farm entertainment for more than 55 years as the popularly known "Captain Stubby"; and

WHEREAS, Captain Stubby is part of broadcasting history in Chicago as a member of the WLS National Barn Dance, the Don McNeil Breakfast Club, WKBK Television and WLS Radio Farm Special; and

WHEREAS, Captain Stubby's broadcasting roots are with WDAN in Danville, Illinois, and he is still heard on radio stations across Illinois through his Special Delivery Show; and

WHEREAS, for nearly 60 years, Captain Stubby has served as the leader of the band, Captain Stubby and the Buccaneers; and

WHEREAS, Captain Stubby is a well-known columnist in the nationally syndicated Prairie Farmer Magazine; and

WHEREAS, Captain Stubby has spread the gift of laughter and humor to generations of Illinoisans through print, television and live venues; and

WHEREAS, Captain Stubby and his wife, Eva Lou, have been married for over 50 years, and he is an outstanding father, brother and grandfather on the occasion of his 80th birthday;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24, 1998, as CAPTAIN STUBBY DAY in Illinois.

Issued by the Governor December 22, 1998.

Filed by the Secretary of State December 30, 1998.

## PROCLAMATIONS

98-671

## FLORENCE BOONE DAY

WHEREAS, Florence Boone has served as Chairman of the Board at Pace for nearly 15 years, helping the agency to achieve high standards with fixed-route buses, dial-a-ride services, a vanpool program and special event service; and

WHEREAS, Chairman Boone has dedicated the past 38 years of her life to public service, including her fine work as Pace's first and only chairman, Village President of Glencoe, member of the Glencoe Board of Education, member of the New Trier Township Board of Education, President of the Executive Committee of the North Shore Council of Mayors, President of the Northwest Municipal Conference, Chairman of the Chicago Area Transportation Study and member of the Transportation and Communication Policy Committee of the National League of Cities; and

WHEREAS, Chairman Boone was a key participant in the formation of the law that restructured the Regional Transportation Authority in 1983 and has made major contributions to the Northeastern Illinois regional public mass transportation system during her distinguished career; and

WHEREAS, Chairman Boone has proven to be an excellent leader for Pace over the years by facilitating Pace's growth through seamless acquisitions of several private bus companies and by being a positive force behind many innovative programs that have been models for other transit agencies across the country; and

WHEREAS, Chairman Boone has led Pace's comprehensive Welfare-to-Work efforts, the creation of the nation's second largest vanpool program, the development of a convenient Automated Fare Collection System and many other programs, as well as leading the agency to ridership gains in each of the past three years; and

WHEREAS, Chairman Boone will be greatly missed by her friends, colleagues and staff for her strong leadership, professionalism and commitment to excellence upon her retirement from Pace on December 31, 1998;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1998, as FLORENCE BOONE DAY in Illinois and wish Chairman Boone much success in her future endeavors.

Issued by the Governor December 22, 1998.

Filed by the Secretary of State December 30, 1998.

98-672

## GENE P. MARLIN DAY

WHEREAS, Gene P. Marlin was born in 1941 in beautiful Southern Illinois and spent most of his formative years in Carmi; and

WHEREAS, at the very young age of 17, he joined the United States Marine Corps, honorably serving from 1958 to 1961; and

WHEREAS, soon after he left the services of the USMC, he developed an interest in a law enforcement career, joining the Illinois State Police in 1963; and

WHEREAS, he served with honor as a Trooper and Corporal for over 12 years in Northern and Central Illinois; and

WHEREAS, he impressed his superiors with his honesty, integrity and

## PROCLAMATIONS

country boy charm, resulting in an assignment to the Division of Administration, Personnel Bureau in 1975, during which he advanced to the rank of Captain and Bureau Chief, before being promoted to Deputy Superintendent of the Division of Criminal Investigation; and

WHEREAS, after two years he was advanced to the position of Superintendent, Division of Administration in November 1987; and

WHEREAS, he served in the capacity until he was asked to be First Deputy Director of the Illinois State Police in 1991, which he assumed with the enthusiasm of a new trooper given his first assignment; and

WHEREAS, after serving seven years of distinguished and notable service as First Deputy Director, which included a promotion to the highest permanent Merit Board rank of Major, he was appointed Acting Director of the Department; and

WHEREAS, Gene P. Marlin has held every permanent rank and each senior command position in the Illinois State Police; and

WHEREAS, the men and women of the Illinois State Police, as well as the residents of this fine State, owe him a debt of gratitude for his outstanding career; and

WHEREAS, Director Marlin has announced his retirement from the Illinois State Police;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 8, 1999, as GENE P. MARLIN DAY in Illinois, and thank him for his 36 years of faithful service to the people of this State.

Issued by the Governor December 22, 1998.

Filed by the Secretary of State December 30, 1998.

98-673

## VERA A. WILT DAY

WHEREAS, Vera A. Wilt's has dedicated her life to the continent's fraternal benefit system where she has held numerous leadership positions for more than 30 years as part of CSA Fraternal Life, Oak Brook, Illinois; and

WHEREAS, Vera A. Wilt serves as President of CSA Fraternal Life and as 1998-99 President of the 91-member National Fraternal Congress of America (NFCA), founded in 1886 and headquartered in Naperville, Illinois; and

WHEREAS, the 91 members of the NFCA represent a wide range of fraternal benefit societies, including those based on ethnic, religious, trade and general common bonds each dedicated to helping others; and

WHEREAS, the not-for-profit fraternal benefit system has contributed countless volunteer hours and charitable donations to community service projects for schools and neighborhoods, organizations like Jubilee Ministries Habitat for Humanity and programs to encourage patriotism and preservation of our nation's flag; and

WHEREAS, Vera A. Wilt has been recognized as a leader in her hometown of North Riverside, Illinois, and in the Chicagoland business and ethnic community; and

WHEREAS, Vera A. Wilt has demonstrated a commitment to her family with husband, Gary, and two children, Adam and Alix Sandra;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 4, 1999, as VERA A. WILT DAY in Illinois.

Issued by the Governor December 22, 1998.



## PROCLAMATIONS

Filed by the Secretary of State December 30, 1998.

99-1

## DISASTER AREA - STATE OF ILLINOIS

A severe winter storm involving freezing rain, heavy snow and high winds beginning on January 1, 1999 and continuing, has caused extensive road closures throughout the State jeopardizing the health and safety of the public. Record and near record snowfall in central and northern Illinois has taxed State and local snow removal resources. Freezing rain occurring in the southern counties created hazardous travel conditions. Blowing and drifting snow continues to impact the ability of the State and local governments to protect the public. Frigid temperatures combined with blizzard conditions continue to close schools throughout the State.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to assist local governments in disaster recovery operations. This proclamation will also make possible a request for federal assistance for those counties demonstrating a need based on a record or near record level snowfall and an overwhelming impact on their ability to provide for public safety.

Issued by the Governor January 4, 1999.

Filed by the Secretary of State January 4, 1999.

99-2

## MIDGE McDOWELL COMMENDED

WHEREAS, Midge McDowell began her outstanding career as a volunteer for the Special Olympics during the late 1970s; and

WHEREAS, because many athletes in the Charleston could not attend events in distant cities, McDowell set out to find a place for Special Olympics events in Charleston; and

WHEREAS, McDowell did much research and eventually got permission to have Special Olympics events at Eastern Illinois University in Charleston; and

WHEREAS, if it were not for Midge McDowell, Special Olympics events probably would not be held in Charleston today; and

WHEREAS, after 20 years of hard work and dedication, Midge McDowell retired on October 1, 1998, as director of the Area 9 Special Olympics;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, commend Midge McDowell for her dedication and for making it possible for athletes in the Charleston area to participate in the Special Olympics.

Issued by the Governor January 6, 1999.

Filed by the Secretary of State January 14, 1999.

99-3

## JIM REILLY DAY

## PROCLAMATIONS

WHEREAS, Jim Reilly graduated from Illinois College and received his Juris Doctor degree from the University of Chicago; and

WHEREAS, Mr. Reilly served as an Illinois State Representative from 1977 through 1983; and

WHEREAS, Mr. Reilly served as both Chief of Staff and Deputy Governor under Governor James Thompson; and

WHEREAS, Mr. Reilly also served as Chief of Staff for Governor Jim Edgar from late 1993 through 1994; and

WHEREAS, Mr. Reilly served as Chief Executive Officer for the Metropolitan Pier and Exposition Authority from 1989 to 1993, and from 1995 through January 31, 1999; and

WHEREAS, Mr. Reilly was instrumental in expanding McCormick Place, reconstructing Navy Pier, developing the Hyatt Regency McCormick Place, and addressing the labor and transportation needs of the convention industry; and

WHEREAS, Mr. Reilly will continue to work on behalf of Illinois' meetings and convention industry as the Chief Executive Officer of the Chicago Convention and Tourism Bureau;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim January 10, 1999, as JIM REILLY DAY in Illinois.

Issued by the Governor January 7, 1999.

Filed by the Secretary of State January 14, 1999.

99-4

## DISASTER AREA - STATE OF ILLINOIS

There is the possibility that the State of Illinois and local governments might have to rapidly respond to an emergency as a result of the more than 600,000 people expected at various events during the Papal visit the week of January 24, 1999.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that an emergency exists in the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency to utilize any means necessary to cope with the situation.

Issued by the Governor January 21, 1999.

Filed by the Secretary of State January 21, 1999.

99-5

## GROUNDHOG JOB SHADOW DAY

WHEREAS, the State of Illinois recognizes and celebrates the importance of students experiencing the workplace firsthand through mentoring and job shadowing programs; and

WHEREAS, private industry also recognizes the importance of partnerships between schools and businesses to ensure the economic prosperity of Illinois today and the ability of our students to participate in the global workplaces of tomorrow; and



## PROCLAMATIONS

WHEREAS, students will spend one day shadowing scientists, firefighters, graphic designers, mechanics, doctors, architects, teachers, government employees, and workers from hundreds of other professions in an effort to see how classroom lessons apply to the workplace; and

WHEREAS, America's Promise has joined with the National School-to-Work Opportunities Office, Junior Achievement, and the American Society of Association Executives to spearhead the national effort to provide students with the opportunity to learn about and experience a wide range of possible career choices; and

WHEREAS, it is essential that the partnerships between government, family, business, the community, and educational leaders remain strong in order to provide each student the ability to ensure a lifetime of learning;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 2, 1999, as GROUNDHOG JOB SHADOW DAY in Illinois.

Issued by the Governor February 2, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-6

## BLUE CROSS AND BLUE SHIELD AND AFL-CIO DAY

WHEREAS, the Blue Cross and Blue Shield of Illinois is the oldest and largest insurance company in Illinois, covering approximately one of every four Illinois residents; and

WHEREAS, the Blue Cross and Blue Shield System of Independent Plans provides health care coverage to more than 68.7 million people; and

WHEREAS, more than 133,000 union members in Illinois receive their health care coverage through Blue Cross and Blue Shield of Illinois; and

WHEREAS, the nationally recognized Blue Cross CareVan program founded by Blue Cross and Blue Shield of Illinois provides mobile immunization and health screening services to children in Chicago's inner city neighborhoods and the rural areas of Illinois; and

WHEREAS, Blue Cross and Blue Shield of Illinois is working with the Illinois Violence Prevention Authority and the Centers for Disease Control in the "Safe Illinois" program; and

WHEREAS, the first recipient of the annual Workplace Safety Award from the Michael Bruton Workplace Safety Foundation was Blue Cross and Blue Shield of Illinois; and

WHEREAS, Blue Cross and Blue Shield of Illinois publishes Labor Digest, a quarterly publication created specifically for labor leaders, and Union Guide, a union's guide to assessing health plan quality; and

WHEREAS, more than 6.2 million workers in 1997 were injured or became sick on the job in the United States; and

WHEREAS, the Illinois AFL-CIO is dedicated to improving the lives of working families and to bringing economic justice to the workplace and social justice to Illinois and the nation; and

WHEREAS, the Illinois AFL-CIO is dedicated to providing its members with the highest level of health care possible; and WHEREAS, for decades the labor movement has led the fight for job safety protections that have improved the lives of all workers; and

WHEREAS, over the last 30 years Blue Cross and Blue Shield of Illinois and

## PROCLAMATIONS

the Illinois AFL-CIO have worked together to provide their constituents with affordable, high quality health care coverage;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 16, 1999, as BLUE CROSS AND BLUE SHIELD AND AFL-CIO DAY in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-7

## BURN AWARENESS WEEK

WHEREAS, there are over 1.4 million burn injuries each year in the United States and Canada; and

WHEREAS, 750,000 burn victims visit emergency rooms each year, with 62,000 requiring hospitalization, some in specialized burn centers resulting in treatment costing over one billion dollars per year; and

WHEREAS, more than 6,000 Americans die from burns annually with higher death rates in rural and poor, urban areas where the majority of victims perish before rescue personnel can reach them; and

WHEREAS, more than 35 percent of those injured or killed by burns are children, making this the leading cause of accidental injury to children under the age of two, the second leading cause of accidental death for children one to four years of age and the third leading cause of death for all those under age 19; and

WHEREAS, 75 to 80 percent of burn injuries occur in and around the home where the use of alternative heating devices, especially wood or coal-burning stoves and kerosene heaters, has led to an increase in the number of contact burns; and

WHEREAS, burn injuries often result from the victim's own actions, as injuries are frequently caused by the ignition of clothing while cooking or ignition of bedding due to smoking accidents; and

WHEREAS, 75 percent of all homes now have smoke detectors installed but only two-thirds of those units function, many due to dead batteries or bad electrical connections; and

WHEREAS, statistics indicate that awareness could reduce the number of burns by up to 75 percent; and

WHEREAS, the increased use and ongoing maintenance of smoke detectors and sprinklers, in addition to a national education and awareness program, have reduced home fire fatalities in the US in one year by 12.5 percent;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 7-13, 1999, as BURN AWARENESS WEEK in Illinois and call upon fire and emergency services and local burn facilities to stress appropriate education and prevention programs for the citizens of our State.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-8

## CHICAGO MUSIC AWARDS DAY

WHEREAS, the Chicago Music Awards was founded in 1981 by Ephraim M. Martin

## PROCLAMATIONS

to honor and promote reggae, world beat music, art, and culture; and

WHEREAS, the Chicago Music Awards is the only organization that expressly honors Chicagoland and Illinois entertainers in all music categories including pop, rock, blues, jazz, gospel, country and western, comedy, opera, classical, polka, rhythm and blues, movie soundtrack, kids, reggae, and other world beat music; and

WHEREAS, the 18th Annual Chicago Music Awards will be held at the Congress Theater in Chicago, Illinois; and

WHEREAS, this year's event is dedicated to "Teens in Crisis"; and

WHEREAS, the awards ceremony encourages high standards of performance, conduct, and professionalism;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 7, 1999, as CHICAGO MUSIC AWARDS DAY in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-9

## CHILD PASSENGER SAFETY MONTH

WHEREAS, when used correctly, child safety seats reduce the risk of death by 70 percent for infants; and

WHEREAS, more children in the United States are killed and crippled in vehicle crashes than from any other cause of injury; and

WHEREAS, all 50 states, the District of Columbia, Puerto Rico and the US Territories have enacted laws requiring the use of child passenger protection systems; and

WHEREAS, parents and guardians must be sure that children age 12 and under always ride in the back seat and are buckled up or properly installed in child safety seats; and

WHEREAS, death and injury may be significantly reduced through greater public awareness, information, education, and enforcement of child safety seat laws;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 1999 as CHILD PASSENGER SAFETY MONTH in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-10

## CRITICAL CARE NURSE WEEK

WHEREAS, Critical Care Nurses are registered professional nurses who make their optimal contribution as a part of a health care system driven by the needs of critically ill patients; and

WHEREAS, Critical Care Nurses have a commitment to excellence in education and an awareness that education is fundamental to professional growth and to excellence in clinical practice; and

WHEREAS, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of the profession in keeping apprised of the technical advancements of the critical care environment; and

WHEREAS, AACN currently has approximately 70,000 members nationwide

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including 3,074 in Illinois; and

WHEREAS, Critical Care Nurses must have advanced knowledge of the psycho social, physiological and therapeutic components specific to the care of the critically ill, and CCRN certification is obtained only after passing a comprehensive examination and acquiring professional experience; and

WHEREAS, CCRN certification is recognized as professional proficiency in critical care nursing;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 7-13, 1999, as CRITICAL CARE NURSE WEEK in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-11

## DONALD V. FITES DAY

WHEREAS, Donald V. Fites' innovative career at Caterpillar Inc. began in the late 1950's in Peoria, Illinois, after graduation from Valparaiso University. He also holds a master's degree from the Massachusetts Institute of Technology and honorary doctor of laws degrees from both Bradley University and Valparaiso University; and

WHEREAS, since becoming chairman and chief executive officer of Caterpillar Inc. in 1990, Don has successfully implemented several initiatives which have strengthened Caterpillar's global industry leadership, led to record revenues and profits, and positioned the company for growth and continued financial success well into the next century; and

WHEREAS, Don led Caterpillar's corporate reorganization in the early 1990's, restructuring the company into business units to achieve greater return on assets, better use of resources, and a flatter organization with greater focus on customers; and

WHEREAS, Don Fites serves the educational community through his work as a trustee of Knox College; a director of Valparaiso University; and his recent service as national chairman of the Centennial Campaign for Bradley University. Fites' admirable service is also evident via his chairmanship of the World Methodist Council Financial Development Committee; as Chairman-elect of the Salvation Army National Advisory Board; and as chairman of the Central Illinois Easter Seal Capital Campaign; and

WHEREAS, on February 5, Caterpillar will celebrate Don's 42 years of dedicated service and wish him well during his retirement;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 5, 1999, as DONALD V. FITES DAY in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-12

## FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK

WHEREAS, Americans depend upon the business leaders of our country to promote future growth and progress of the United States economy and to assure continuing prosperity for the entire nation; and



## PROCLAMATIONS

WHEREAS, the Future Business Leaders of America organization is actively training young people to assume positions of leadership and responsibility in business and industry, as well as teaching young people the value and benefit of being actively involved in community service projects; and

WHEREAS, there are approximately 3,500 Future Business Leaders of America-Phi Beta Lambda members in Illinois from 93 high schools and 15 colleges, and approximately 250,000 members nationwide; and

WHEREAS, the Future Business Leaders of America organization continues to demonstrate its effectiveness in producing young people who are competent leaders, committed not only to sustaining the American free enterprise system, but also to expanding and improving upon it;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 7-13, 1999, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-13

## INTERNATIONAL WEEK

WHEREAS, the International Student Council at Southern Illinois University at Carbondale is celebrating its 25th anniversary of cultural, social, and educational contributions to the community; and

WHEREAS, SIUC has student representation from 115 countries and ranks within the top 20 of the nation's universities for foreign enrollment; and

WHEREAS, the International Student Council is sponsoring International Festival '99 from February 16-21 to offer cultural exhibitions and activities;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 16-21, 1999, as INTERNATIONAL WEEK in Illinois.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-14

## SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

WHEREAS, for over 40 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, mental, emotional, and educational problems; and

WHEREAS, Illinois school psychologists have demonstrated their concern for children's rights to free and appropriate public education tailored to their individual capabilities; and

WHEREAS, the school psychology profession and the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of children;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 22-26, 1999, as SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our State's students.

Issued by the Governor February 3, 1999.

Filed by the Secretary of State February 5, 1999.

## PROCLAMATIONS

## 99-15

## AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, coal miner, teacher and author, founded the Association for the Study of Afro-American Life and History, Inc. in 1915 in Chicago; and

WHEREAS, Dr. Woodson initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our State and country; and

WHEREAS, African American History Month is commemorated throughout the month of February in Illinois with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops and other expressions of creativity and pride; and

WHEREAS, Dr. Woodson's dream for the Association for the Study of Afro-American Life and History was to acquire sociological and historical data, publish books, promote the study of Black History throughout clubs and schools and encourage racial harmony; and

WHEREAS, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area or endeavor;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 1999 as AFRICAN AMERICAN HISTORY MONTH in Illinois and urge all citizens to be cognizant of the contributions of all citizens to our society.

Issued by the Governor February 4, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-16

## CRITICAL CARE TRANSPORT NURSES DAY

WHEREAS, there are more than 1,800 members of the National Flight Nurses Association; and

WHEREAS, flight nurses were originally trained to care for wounded soldiers during transport on converted cargo planes and on the field of battle; and

WHEREAS, today, Illinois flight nurses have expanded their role to care for patients in ambulances, helicopters, and airplanes; and

WHEREAS, Illinois nurses are part of a team providing care for critically ill and injured patients at the scene of accidents and during transport between facilities in aircraft and ambulances; and

WHEREAS, more than 3,000 patients have been transported by ground ambulance teams consisting of specially-trained nurses; and

WHEREAS, critical care transport nurses play an essential part in the health and care of Illinois' citizens;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 18, 1999, as CRITICAL CARE TRANSPORT NURSES DAY in Illinois.

Issued by the Governor February 4, 1999.

Filed by the Secretary of State February 5, 1999.

## 99-17



## PROCLAMATIONS

**FINANCIAL AID/ADMISSION AWARENESS MONTH**

WHEREAS, the State of Illinois maintains a strong commitment to the intellectual growth and career development of its citizens; and

WHEREAS, the State of Illinois has fostered the development of an impressive complement of public and private programs of higher education; and

WHEREAS, a network of student financial assistance programs consisting of grants, scholarships, loans and work-study provides access to educational opportunities for thousands of citizens each year; and

WHEREAS, the Illinois Student Assistance Commission's (ISAC) responsibilities include administering grant, scholarship and loan programs and providing programs and initiatives to encourage families to begin saving early for postsecondary education; and

WHEREAS, the Illinois Student Assistance Commission, the Illinois Association for Student Financial Aid Administrator, Inc. and the Illinois Association for College Admissions Counseling are conducting a series of informational programs to boost parent and student awareness concerning college admissions and financial aid resources; and

WHEREAS, ISAC, the State's student financial aid community and the State's college admission community will assist families with the Free Application for Federal Student Aid by providing FAFSA Completion Workshops at 39 sites throughout the State and by providing college planning information at [www.faaam.org](http://www.faaam.org);

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 1999 as **FINANCIAL AID/ADMISSION AWARENESS MONTH** in Illinois and encourage those who seek early academic and financial planning, financial assistance or admission information for higher education to take advantage of the opportunity to become more aware of the financial aid and college selection programs available.

Issued by the Governor February 4, 1999.

Filed by the Secretary of State February 5, 1999.

99-18

**ILLINOIS DIETARY MANAGERS ASSOCIATION WEEK**

WHEREAS, the Illinois Dietary Managers Association is an organization of over 15,000 members nationally who manage food service departments in nursing homes, hospitals, schools, prisons, military facilities, and elderly communities throughout Illinois and the nation; and

WHEREAS, the Illinois Dietary Managers Association is active in promoting continued education hours, discussion of professional issues, and meeting the needs of its membership; and

WHEREAS, the Illinois Dietary Managers Association ensures the highest quality standards for its members and food services;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 8-12, 1999, as **ILLINOIS DIETARY MANAGERS ASSOCIATION WEEK** in Illinois.

Issued by the Governor February 4, 1999.

Filed by the Secretary of State February 5, 1999.

99-19

## PROCLAMATIONS

**LEONARD J. MULLER DAY**

WHEREAS, Leonard J. Muller has provided the hospital community with many years of leadership; and

WHEREAS, Leonard J. Muller will retire as the President and Chief Executive Officer of Westlake Community Hospital; and

WHEREAS, Muller has served as a member of the Metropolitan Chicago Healthcare Council (MCHC) for more than 16 years, including two years as the Chairman of the MCHC's Board of Directors; and

WHEREAS, Leonard J. Muller has proven himself to be a tireless advocate for the delivery of high-quality medical services; and

WHEREAS, Leonard J. Muller has successfully represented the health care community with pride and distinction;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 1, 1999, as **LEONARD J. MULLER DAY** in Illinois.

Issued by the Governor February 4, 1999.

Filed by the Secretary of State February 5, 1999.

99-20

**NUTRITION MONTH**

WHEREAS, the Illinois Department of Human Services, along with nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and

WHEREAS, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and

WHEREAS, more than 25 percent of Illinoisans are at risk because of obesity, nearly 23 percent consume a high-fat diet, and only 22 percent eat the recommended five or more servings of fruits and vegetables a day; and

WHEREAS, in keeping with the theme of the national observance, "Take A Fresh Look at Nutrition", all Illinoisans should become aware of the importance of proper nutrition;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 1999 as **NUTRITION MONTH** in Illinois.

Issued by the Governor February 4, 1999.

Filed by the Secretary of State February 5, 1999.

99-21

**THE CHICAGO FEDERAL EXECUTIVE BOARD'S EMPLOYEE OF THE YEAR AWARDS DAY**

WHEREAS, the Chicago Federal Executive Board will host its 1999 Federal Employee of the Year awards on May 6, 1999, at Navy Pier in Chicago, Illinois; and

WHEREAS, the awards recognize federal employees from eight surrounding counties who have distinguished themselves through dedicated and superior service to the American public; and

WHEREAS, the awards are recognized as one of the most important and coveted forms of non-monetary recognition available to employees of the United States Government in metropolitan Chicago; and

## PROCLAMATIONS

WHEREAS, the programs recipients are nominated not only for outstanding performance in their regularly assigned duties, but also for those employees who have played a significant role in agency reinvention or streamlining efforts establishing the foundation for lasting results; and

WHEREAS, in conjunction with the awards, college scholarships totaling \$4,000 will be awarded to two graduate students from the University of Illinois at Chicago's College of Urban Planning and Public Affairs;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim May 6, 1999, as THE CHICAGO FEDERAL EXECUTIVE BOARD'S EMPLOYEE OF THE YEAR AWARDS DAY in Illinois.

Issued by the Governor February 8, 1999.

Filed by the Secretary of State February 11, 1999.

99-22

## HISPANIC AMERICAN CONSTRUCTION INDUSTRY ASSOCIATION DAY

WHEREAS, the Hispanic American Construction Industry Association (HACIA) is a 20 year-old business membership organization whose mission is to promote the participation of Hispanic-owned businesses in public and private construction projects; and

WHEREAS, HACIA was founded to fight discriminatory practices in the construction industry and has become an effective spokesman on behalf of all minority and female contractors; and

WHEREAS, as a member-based organization, HACIA provides its members with services that enhance the competitiveness of their companies; and

WHEREAS, HACIA's outreach initiative, the Employee Recruitment & Advancement program (ERA) enhances employment opportunities in and outside the construction industry for minorities; and

WHEREAS, the goal of ERA is to recruit and refer prospective employees as well as to provide specialized training and educational assistance in order to develop the employment skills of program participants; and

WHEREAS, HACIA remains committed to giving back to the community through a scholarship program that awards scholarships to deserving Latino students pursuing a career in the construction industry;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 11, 1999, as HISPANIC AMERICAN CONSTRUCTION INDUSTRY ASSOCIATION DAY in Illinois.

Issued by the Governor February 8, 1999.

Filed by the Secretary of State February 11, 1999.

99-23

## SUZANNE L. DEUCHLER DAY

WHEREAS, Suzanne L. Deuchler has represented the interests and needs of the registered voters in the 42nd legislative district since 1980; and

WHEREAS, Representative Deuchler was named the 1999 Outstanding Legislator by the Illinois Taxpayers Federation; and

WHEREAS, Representative Deuchler has successfully developed legislation and budget packages which range from welfare-to-work programs and "spousal impoverishment" protection for middle income elderly; and

## PROCLAMATIONS

WHEREAS, Representative Deuchler sponsored or co-sponsored to provide funding to our State's schools and was a co-founder of the Illinois Math and Science Academy (IMSA); and

WHEREAS, Representative Deuchler successfully sponsored numerous programs to improve the infrastructure and quality of life for the residents of the 42nd district;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 12, 1999, as SUZANNE L. DEUCHLER DAY in Illinois in honor of her many years of dedicated service to the State.

Issued by the Governor February 8, 1999.

Filed by the Secretary of State February 11, 1999.

99-24

## SYLVESTER KASTIGAR DAY

WHEREAS, the Better Fishing Association and the organization's dedicated members have contributed tens of thousands of volunteer hours to the cause of enhancing and conserving Illinois' natural resources; and

WHEREAS, under the leadership of Sylvester Kastigar, who served as president of the Better Fishing Association from 1981-1998, the organization championed improvements to the Hennepin Canal, the Illinois River, and fisheries throughout the Illinois River Valley; and

WHEREAS, the efforts of Syl Kastigar have resulted in improved bluegill, sauger, walleye, channel catfish, crappie, and largemouth bass fishing opportunities for generations of anglers in Illinois; and

WHEREAS, Syl Kastigar has long recognized the importance of working cooperatively with the State of Illinois through the Department of Natural Resources and other agencies to improve recreational fishing opportunities and the quality of life for all Illinois citizens;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 10, 1999, as SYLVESTER KASTIGAR DAY in Illinois.

Issued by the Governor February 8, 1999.

Filed by the Secretary of State February 11, 1999.

99-25

## LAND SURVEYORS' MONTH

WHEREAS, land surveying is one of the oldest technical services of mankind and our complex civilization depends more and more on surveyors' skills and accuracy to determine property rights and methods of design and construction; and

WHEREAS, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected the battle sites; and

WHEREAS, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, was recognized as the "Savior of Our Country" after directing the campaigns that preserved our nation;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim



## PROCLAMATIONS

February 1999 as LAND SURVEYORS' MONTH in Illinois in recognition of the two "Land Surveyor Presidents", George Washington and Abraham Lincoln, whose birthdays are observed this month.

Issued by the Governor February 9, 1999.

Filed by the Secretary of State February 11, 1999.

99-26

## ST. RITA OF CASCIA HIGH SCHOOL DAY

WHEREAS, St. Rita of Cascia High School was founded in 1905 by the Augustinian Order and is still administered by the Augustinian Fathers; and  
WHEREAS, St. Rita students consistently score at the State average on the ACT, 47 seniors were inducted into the St. Rita National Honor Society this year and 17 students were named Illinois State Scholars; and  
WHEREAS, St. Rita of Cascia High School has been named an "Outstanding High School" by US News and World Report; and  
WHEREAS, this honor reflects the high level of enthusiasm and dedication of St. Rita's faculty, staff, administration and students; and

WHEREAS, St. Rita should especially be commended for its new-teacher orientation program, challenging curriculum, monitoring program and commitment to community service;  
THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 13, 1999, as ST. RITA OF CASCIA HIGH SCHOOL DAY in Illinois.

Issued by the Governor February 9, 1999.

Filed by the Secretary of State February 11, 1999.

99-27

## VOCATIONAL EDUCATION WEEK

WHEREAS, the theme for the 1999 Vocational Education Week is "Get Your Career in Gear"; and

WHEREAS, vocational education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry as it contributes to the State's leadership in the national and international marketplace; and

WHEREAS, vocational education stimulates the growth and vitality of business and industries by preparing workers for the occupations that will experience the largest and fastest growth; and

WHEREAS, vocational education serves individual citizens by enabling them to find satisfying careers suited to their own skills while allowing them to excel in their chosen fields; and

WHEREAS, vocational education also serves individual citizens by teaching leadership skills that serve them on the job, at home, and in the community; and

WHEREAS, a strong vocational education program planned and carried out by trained educators is vital to the future economic development of our State and the well-being of its citizens;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 14-20, 1999, as VOCATIONAL EDUCATION WEEK in Illinois.

Issued by the Governor February 9, 1999.

## PROCLAMATIONS

Filed by the Secretary of State February 11, 1999.

99-28

## DR. DAVID COOPRIDER DAY

WHEREAS, after eight years of teaching Dr. David Coopridier joined the State Board of Education, which was located in the "baby-blue" building, in 1966; and

WHEREAS, in 1972 Dr. David Coopridier returned to Decatur and began working at Richland Community College; and

WHEREAS, Dr. David Coopridier became the assistant to Howard E. Brown in 1973 and became Superintendent in 1985 when Howard E. Brown retired; and

WHEREAS, Dr. David Coopridier is a graduate of Millikin University and the University of Illinois where he received the degrees of Master of Science and Doctor of Education; and

WHEREAS, Dr. David Coopridier is a published scholar and the author of Index to Illinois School Law and Regulation; and

WHEREAS, Dr. David Coopridier is a member of many boards, commissions, and organizations and represents the very best in public service, community involvement, and family dedication;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 16, 1999, as DR. DAVID COOPRIDER DAY in Illinois.

Issued by the Governor February 10, 1999.

Filed by the Secretary of State February 11, 1999.

99-29

## CHICAGO BUSINESS OPPORTUNITY DAYS

WHEREAS, the 32nd Annual Chicago Business Opportunity Fair, which is of special interest to Chicago based businesses, will be held April 7-8, 1999; and

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, John R. Horne, Chairman, President and Chief Executive Officer of Navistar International Transportation Corporation, will serve as Chairperson of the fair's Sponsors Committee; and

WHEREAS, the 32nd Annual Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council Inc., an organization devoted to stimulating minority purchasing in Chicago and the sponsor of the fair; and

WHEREAS, the Chicago Minority Business Development Council will hold its 21st Annual Awards Program on April 8, 1999, in honor of public and private sector representatives for their contributions to minority suppliers' growth and development;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 7-8, 1999, as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.

Issued by the Governor February 16, 1999.

Filed by the Secretary of State February 18, 1999.

99-30



## PROCLAMATIONS

## FFA WEEK

WHEREAS, agriculture is vital to the great State of Illinois' economic prosperity; and

WHEREAS, FFA improved agriculture by making a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agriculture education; and

WHEREAS, more than 15,000 Illinois FFA members, the next generation of agriculturists, are preparing for a future in the agriculture industry; and

WHEREAS, the National FFA Organization connects its membership to opportunities in the expanding, dynamic agriculture industry, and has adopted "FFA - Making the Connection" as its national theme; and

WHEREAS, Illinois FFA members are preparing for the future by developing new skills in the fields of science, technology, business, and production. The Illinois Association FFA has chosen "Breaking New Ground" as its State theme; and

WHEREAS, millions of Americans, both rural and urban, have benefited from the efforts of the FFA and agriculture;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 20-27, 1999, as FFA WEEK in Illinois. I strongly urge all citizens to recognize the importance of the FFA and to support the ideals promoted by agricultural education and the Illinois Association FFA.

Issued by the Governor February 16, 1999.

Filed by the Secretary of State February 18, 1999.

99-31

## WOMEN'S CHRISTIAN TEMPERANCE UNION DAY

WHEREAS, 1999 marks the 125th Anniversary of the Woman's Christian Temperance Union; and

WHEREAS, the Woman's Christian Temperance Union is the world's oldest non-denominational Christian woman's organization; and

WHEREAS, the Woman's Christian Temperance Union is the oldest voluntary, non-sectarian woman's organization in continuous existence in the world; and

WHEREAS, in its tradition of service and leadership, the Woman's Christian Temperance Union was a founding member of the National Council for Women in 1888 and a charter member in the United Nations Non-Governmental Organizations in 1945; and

WHEREAS, the Woman's Christian Temperance Union has 39 State chapters and over 8,000 active members across the United States; and

WHEREAS, the Woman's Christian Temperance Union has been a powerful advocate of women's and human rights; and

WHEREAS, the Woman's Christian Temperance Union is entering a new millennium with a renewed commitment to improving people's lives;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 20, 1999, as WOMEN'S CHRISTIAN TEMPERANCE UNION DAY in Illinois.

Issued by the Governor February 17, 1999.

Filed by the Secretary of State February 18, 1999.

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnaale@ccgate.sos.state.il.us (Internet address).

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